

REGULAR MEETING  
September 13, 2016

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 13<sup>th</sup> day of September 2016.

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

Attended by: Numerous Residents, Assessor Bobbi Elderkin, and the Mercury Gazette.

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

Supervisor Evans asked for a moment of silence for Wilford Rocky Oakes who passed away and was a resident of Lyndon.

Councilman Gietl made a motion to approve the written Clerk Minutes from the Regular Meetings of 7/12/16 and 8/9/16 and the Special Meeting of 8/9/16.

Councilman Knapic seconded the motion. The following motion was

ADOPTED        Ayes     5        (Evans, Gietl, Knapic, Hillman, Evans)  
                     Nays     0

**Assessor -**

Town Assessor Bobbi Elderkin stated to the Board that we are currently in a CAP with the Town of Allegany, and they are doing a Town wide reassessment, which is going to break the CAP. She stated that after speaking with the State they said Lyndon has to do a reassessment update on land to keep our 100% assessment. The State has said that land sales have gone up 7% this year, and She stated that in other Towns that she works land is averaging around \$1,000 per acre. Assessor Elderkin said the Town is eligible for State aid and she would only charge the Town what the Town would receive from State aid. The Board, Assessor, and the Public had a detailed discussion about the pros and cons of doing another Town wide reassessment, and how it will affect taxpayers. Assessor Elderkin stated that if the Towns equalization rate falls below 95% then the Town would have to do a whole new reassessment that would include all new data collections and would cost a significant amount of money. Councilman Knapic asked the Assessor what is the least painful way to go. Assessor Elderkin stated doing this reassessment now without having to do a major one later. Clerk Puglisi asked if somebody keeps their

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house up and another person does not are they going to get punished for keeping their house up. Assessor Elderkin stated no. Councilman Gietl was concerned those landowners over 25 acres are going to be hit harder then others. The Board felt that doing a reassessment now rather then later would be better for the Town, and Taxpayers.

Councilman Knapic made a motion to do a whole Town revaluation for the 2017 roll year. Councilman Evans seconded the motion. The following motion was

ADOPTED        Ayes     5     (Evans, Knapic, Evans, Gietl, Hillman)  
                     Nays     0

**Correspondence -**

County Tax Foreclosure Policy – Clerk Puglisi stated that the County is changing the policy on when they foreclose on properties for delinquent taxes. He stated that they are going from three years down to two years, and after the second year they are going to start foreclosure on the property and this will be starting immediately in 2017. Clerk Puglisi stated that he did not feel that the County has done enough advertising and informing taxpayers of this significant change, and said this can affect many people in this Town and County.

**Public Comment -**

None

**Old Business -**

Real Property Law – Supervisor Evans read Local Law 4-2016 entitled; A Local Law Amending Local Law 1-2001 as Amended by Local Law 1-2003 entitled “A local Law Exempting from Taxation a Portion of the Assessed Valuation of Real Property Owned by persons Sixty-Five (65) Years of Age or over.”

Councilman Hillman made a motion to accept Resolution 11-2016:

**Town of Lyndon**

**Resolution 11-2016 – Introduction of Local Law 4-2016**

**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**, Cattaraugus County amended its Real Property law to add two exemption values; and

**WHEREAS**, The Lyndon Town Board would like to add those options and copy the County Law to make it uniformed for the Assessor, and

**WHEREAS**, the Lyndon Town Board has indicated its support for the introduction of a local law to increase and add two new assessed value exemptions, and the setting of a public hearing on the matter for the adoption of such local law; now, therefore, be it

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**RESOLVED**, that a proposed Local Law identified as Local Law 4-2016, titled “; A Local Law Amending Local Law 1-2001 as Amended by Local Law 1-2003 entitled “A local Law Exempting from Taxation a Portion of the Assessed Valuation of Real Property Owned by persons Sixty-Five (65) Years of Age or over,” 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 13<sup>th</sup> day of September 2016.

Councilman Knapic seconded the motion. The following motion was

ADOPTED      Ayes      5      (Evans, Hillman, Knapic, Gietl, Evans)  
                     Nays      0

A Public Hearing was set for October 11, 2016 at 6:30 pm and the Clerk will do the appropriate notices.

USDA Grant – Supervisor Evans stated that Highway Superintendent Schneider, Clerk Puglisi, and herself meet with the guy from the USDA and found out how the process works. Clerk Puglisi explained that it is a loan and grant financing package and the Town would be eligible to get up to \$40,000 in a grant and the rest in a low interest loan which would be for 15 years. He stated that the loan could be paid off sooner than the 15 years, and do one piece of equipment per application year. Clerk Puglisi stated because this is Federal money the Town needs to put in place a plan to make the whole town hall handicap accessible, and the Town does not need to do the work immediately. He stated that the paperwork and process is very extensive and if the Town is going to do it everybody has to be fully committed to this. He stated that we will need to get bond council and the cheapest one is Orrick from New York City, and he feels that the Town should hire Municipal Solutions who did the last bond for the Town. Councilman Knapic asked what are we talking money wise for the ditcher. Superintendent Schneider stated between \$186,000 to \$240,000. A detailed discussion took place regarding get a ditcher through this grant. Superintendent Schneider stated that another option is to sell the loader outright and take that money and buy a ditcher and lease a loader. The Board would like more information on that option at the next board meeting before committing to the USDA Grant/Loan. Superintendent Schneider and Clerk Puglisi will get more information and bring it to the next Board meeting.

Commercial Solar Panels – The Board is still reviewing and will discuss it at the next meeting.

Records Room – Supervisor Evans stated Southern Tier West came in and did a great job with the records. Supervisor Evans stated that Deputy Clerk Palmer shredded all of the documents that needed to be shredded. Clerk Puglisi stated that with Southern Tier West doing the record room there is full accountability and the third party inspected all of the records, itemized all of the records, and listed

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everything that was disposed of. He stated that no historical documents were destroyed and any found were put on the side for the Historian. He also stated that Southern Tier West is doing a records management grant with several other towns and we can get all of our records indexed and computerized along with the Town getting a scanner to continue in the future, and the server would be kept at Southern Tier West.

**New Business -**

Meeting Dates – Supervisor Evans stated that the November Meeting falls on Election Day and needs to be rescheduled. The Meeting was rescheduled for November 15, 2016 at 7:00 pm.

Supervisor Evans stated the Board has to set a date for the tentative budget meeting for the Clerk to present the budget. The meeting was set for October 4, 2016 at 7:00 pm.

Supervisor Banking – Supervisor Evans asked the Board to allow Deputy Supervisor Paul Knapic to be put on the bank accounts so that if she is not available there is a second person who can sign checks. Councilman Gietl made a motion to accept Resolution 12-2016:

Town of Lyndon

Resolution 12-2016 – Deputy 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 Deputy Supervisor has been established in the Town of Lyndon and the Deputy Supervisor has the authority to act as Supervisor if the Supervisor is unavailable, and

**WHEREAS;** The Deputy Supervisor’s term ends concurrent with the Town Supervisor December 31, 2017, now, therefore, be it

**RESOLVED;** that Deputy Supervisor Paul Knapic be put on to the Town bank accounts and be allowed to act when Supervisor Carol Evans is absent.

Signed this 13<sup>th</sup> day of September 2016.

Councilman Evans seconded the resolution. The following resolution was

ADOPTED	Ayes	4	(Evans, Gietl, Evans, Hillman)
	Nays	0	
	Abstained	1	(Knapic)

Supervisor Accounting Software – Supervisor Evans stated she is looking into new software to do the Town Accounting through Williamson Law Book. She stated it is expensive but she would like to see how it works and will set up a demonstration and let the Board know when it will be.

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Road Law – Highway Superintendent Schneider asked the Board to look into putting a law in affect stating if a person is going to build a house on a road that is currently unmaintained they must give the Town a 2 year notice. He stated this would give the Highway Department time to budget and do the work necessary to the road. He stated that to make a road so a school bus can go down it would cost around \$60,000. Councilman Evans was concerned that what if people say they are going to build a house and the Town does the work and they don't build or live there. Councilman Knapic shared the same concern and would like to see something put into the law stating they must show proof they are actually going to live there before the work gets done. Supervisor Evans will talk with the Town Attorney and see what can be done.

**Supervisor Report –**

A detailed written report was given and emailed to the Board. Supervisor Evans stated the Town has \$343,088.10 in the General and Highway Accounts and \$33,031.23 in the Tax Stabilization Account.

Councilman Knapic made a motion to accept the written supervisor report.

Councilman Hillman seconded the motion. The following motion was

ADOPTED	Ayes	5	(Evans, Knapic, Hillman, Gietl, Evans)
	Nays	0	

**Clerk Report –**

A detailed written report was give to the Board. Clerk Puglisi stated he took in \$1,525.00 and paid out \$1,525.00, \$196.79 to the Supervisor, \$1,289.71 to the DEC, and \$22.50 to the NY State Heath Department, and \$16.00 to Ag and Markets.

**Justice Report –**

A detailed written report was given to the Board. Clerk Puglisi stated the Court took in \$30.00 for the Month.

**Highway Report –**

Superintendent Schneider gave a detailed report to the Board. He stated that the County is supposed to do the guardrails by the end of September. He stated that all of the CHIPS projects for the year have been completed, and he is looking at next year doing some work on North Center. Superintendent Schneider stated that the Town of Portville is going to let us borrow their excavator for a week. He stated that he is going to try it on Sabo Road because it is all over grown, and he wants to see how the brush cutter works. He stated he would like to put the pickup out for bid because if they are going to get other equipment next year it would be good to get it traded in and done for a couple of years. Supervisor Evans asked how long they kept the pickup before this one. He stated 11 years. Councilman Gietl stated that in his opinion 11 years is to long and 1 year is to short because ever year you have to go

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through putting everything back into the new truck. Councilman Knapic made a motion to put a pickup truck out to bid and have the sealed bids opened at the next meeting. Councilman Evans seconded the motion. The following motion was

ADOPTED       Ayes       5       (Evans, Knapic, Evans, Hillman, Gietl)  
                  Nays        0

Councilman Gietl made a motion to pay Town Abstract 9 of the General Fund, claims 131 thru 146 for \$2,786.94 and Abstract 9 of the Highway Fund, claims 102 thru 114 for \$85,659.73. Councilman Knapic seconded the motion. The following motion was

ADOPTED       Ayes       5       (Evans, Gietl, Knapic, Hillman, Evans)  
                  Nays        0

Being no further business or concerns Councilman Gietl made a motion to adjourn the meeting. Councilman Knapic seconded the motion. All Ayes the meeting was adjourned at 8:53 pm.

Respectfully Submitted,

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Frank Puglisi  
Lyndon Town Clerk