

REGULAR MEETING
April 12, 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 12th day of April 2016.

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

Attended by: Numerous Residents and the Mercury Gazette.

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

Supervisor Evans asked for a moment of silence for Merrie Hillman, Councilman Scott Hillman's mother who passed away.

Councilman Gietl made a motion to approve the written Clerk Minutes from the January, February, and March 2016 meetings. Councilman Hillman seconded the motion. The following motion was

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

Correspondence -

Supervisor Evans stated the Town received a letter from the Red Cross for CPR Training. After a discussion the letter was turned over to Kathy Behm for the fire department.

Public Comment -

None

Old Business -

Computer- Clerk Puglisi stated the new computer was purchased and is working great. He stated that he got the computer for a better price than what he reported at the last meeting. He stated that he got the computer for \$672.53 an extended warranty for \$115.24, Norton Anti-Virus for 5 pc's for \$57.65 plus an additional \$30.00 rebate, and liquid armor for the touch screen for \$57.64 for a total with the rebate of \$873.06. He stated that the town was not able to do in house back up

because of the Internet connection, and Carbonite worked very well when transitioning to the new computer. He also stated that Microsoft does not offer the outright purchase of office for governments anymore and only offer a month to month subscription and they will not state what the price is unless a message is put on our website. After a detailed discussion about what would be the best option Councilman Knapic made a motion to purchase Microsoft Office outright with Clerk Puglisi finding the best price. Councilman Evans seconded the motion.

The following motion was

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

Constable Law-

Supervisor Evans stated that DCJS accepted the Constable Law so the Town can move forward with the law. Councilman Hillman made a motion to accept Resolution 4-2016:

Town of Lyndon

Resolution 4-2016- Introduction of Local Law 1-2016

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, the Lyndon Town Board has found a need to repeal local law 1-2014 entitled " A Local Law for Appointing Constables for the Town of Lyndon of Cattaraugus County"; and

WHEREAS, the Lyndon Town Board has found a need to replace local law 1-2014 with a more suitable law; and

WHEREAS, the Lyndon Town Board has indicated its support for the introduction of a local law for appointing Constables, and expanding the local residency requirement to residency in Cattaraugus County, and the setting of a public hearing on the matter for the adoption of such local law; now, therefor, be it

RESOLVED, that a proposed Local Law identified as Local Law 1-2016, titled "A Local Law for Appointing Constables for the Town of Lyndon of Cattaraugus County", 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 12th day of April 2016.

Councilman Evans seconded the motion. The following motion was

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

A public hearing will be held on April 26, 2016 at 7:00pm. Clerk Puglisi will do all of the proper notifications.

Peddler Law-

Supervisor Evans stated everybody has a copy of the Peddler Law. A detailed discussion took place about the law, and its benefits to the residents of the Town. Councilman Evans made a motion to accept Resolution 5-2016:

Town of Lyndon

Resolution 5-2016- Introduction of Local Law 2-2016

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, the Lyndon Town Board has found a need to regulate itinerant merchandising and soliciting to maintain the peace, health, safety, welfare and good order in the Town; and

WHEREAS, the Lyndon Town Board wants the inhabitants of the Town to not be endangered or unduly disturbed; and

WHEREAS, the Lyndon Town Board has indicated its support for the introduction of a local law regulating peddling, vending, and soliciting in the Town, and the setting of a public hearing on the matter for the adoption of such local law; now, therefor, be it

RESOLVED, that a proposed Local Law identified as Local Law 2-2016, titled " A Local Law Regulating Peddling/Vending and Soliciting in the Town of Lyndon", 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 12th day of April 2016,

Councilman Gietl seconded the motion. The following motion was

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

A Public Hearing will be held on April 26, 2016 at 7:15 pm. Clerk Puglisi will do all of the proper notifications.

Highway Bonding Law-

Supervisor Evans stated everybody has a copy of the Highway Bonding Law. A detailed discussion took place about the law and its benefits to the residents of the Town. Councilman Knapic made a motion to accept Resolution 6-2016:

Town of Lyndon

Resolution 6-2016- Introduction of Local Law 3-2016

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, the Lyndon Town Board has been advised by the highway superintendent that there is a need to require a bond or other financial security to protect town roads; and

WHEREAS, the Lyndon Town Board agrees with the highway superintendent, that a bond or other financial security must be posted to protect town roads; and

WHEREAS, the Town of Lyndon only receives a small amount of funding to do road work and repairs; and

WHEREAS, the Lyndon Town Board feels it necessary to require individuals or corporations who can cause a disproportional amount of wear and tear on the roads, be required to post a bond or other financial security, and

WHEREAS, the Lyndon Town Board has indicated its support for the introduction of a local law for highway bonding and financial securities, and the setting of a public hearing on the matter for the adoption of such local law; now, therefor, be it

RESOLVED, that a proposed Local Law identified as Local Law 3-2016, titled "The Highway Bonding/Financial Securities Law of the Town of Lyndon" 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 12th day of April 2016.

Councilman Hillman seconded the motion. The following motion was

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

A Public Hearing will be held on April 26, 2016 at 7:30pm. Clerk Puglisi will do all of the proper notifications.

Building Permits-

Supervisor Evans stated the Board has to setup a work session to discuss the building permit process. A work session will be held on April 26, 2016 at 7:45 pm.

Southern Tier West Training-

Supervisor Evans asked who would be attending the training. Supervisor Evans, Councilmen Evans and Knapic, Clerk Puglisi, Highway Superintendent Schneider will be attending the training.

Polices and Procedures-

Supervisor Evans stated the Board has to setup a work session to go over polices and procedures for the town. A work session will be held on May 12, 2016 at 7:00 pm.

New Business -

Transfers-

Councilman Gietl made a motion to transfer \$1,477.66 from Contingent A1990.4 to Unallocated Insurance A1910.1. Councilman Evans seconded the motion. The following motion was

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

Supervisor Evans stated the transfer was needed due to an increase in NYMIR Insurance Policy.

Presidential Primary-

Supervisor Evans stated the Presidential Primary is April 19, 2016 from 12:00 pm to 9:00 pm at the Town Hall.

Budget-

Supervisor Evans stated the Board needs to amend the Budget to show the Town is receiving more CHIPS money then budgeted. She stated the Town will be receiving \$113,318.51 from the State and Superintendent Schneider is carrying over money unspent from last year in the amount of \$4,061.74, which totals \$117,380.25.

Councilman Evans made a motion to amend DA5110.2 CHIPS and DA3501 CHIPS to \$117,380.25 to reflect the amount the Town will receive from the State. Councilman Knapic seconded the motion. The following was

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

Registrar of Vital Statistics-

Supervisor Evans stated the Board has to reappoint Clerk Puglisi as the Registrar of Vital Statistics and state that the pay is included in the Town Clerk Salary. She stated that right now the position is unpaid and the Registrar is entitled to \$.50 per death and birth certificate issued along with other fees for making certified copies. Clerk Puglisi stated it is part of the Town Clerks job and it is easier to have the position included in the Town Clerk salary. A detailed discussion took place between the Board and Clerk Puglisi. Councilman Hillman asked where the money would come out of if it remand unpaid. Clerk Puglisi stated he was not sure. Councilman Hillman made a motion to accept Resolution 7-2016:

Town of Lyndon

Resolution 7-2016 Salary of Registrar of Vital Statistics

WHEREAS, pursuant to section 27 of the general municipal law the town board is authorized to set the salaries of all municipal officials; and

WHEREAS, pursuant to section 4124 sub section 3 of the public health law the registrar of vital statistics may be paid an annual fee instead of collecting an individual fee per certificate issued; and

WHEREAS, the Lyndon town board appoints the town clerk during their term to be the registrar of vital statistics and the town clerk receives an annual salary; and

WHEREAS, the registrar of vital statistics pay will be included in the town clerk's annual salary; now, therefor, be it

RESOLVED, that the registrar of vital statistics for the Town of Lyndon will be considered salaried, and receive no additional salary other than the salary the Town Clerk receives.

Signed this 12th day of April 2016.

Councilman Evans seconded the motion. The following was

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

Supervisor Report -

A detailed written report was given to the Board. Supervisor Evans stated the Town has \$532,442.47 in the General and Highway Accounts and \$33,029.85 in the Tax Stabilization Account. Councilman Knapic made a motion to accept the written Supervisor Report. Councilman Gietl seconded the motion. The following motion was

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

Clerk Report -

A detailed written report was given to the Board. Clerk Puglisi stated he took in \$462.00 and paid out \$462.00, \$373.60 to the Supervisor, \$32.00 to Ag and Markets, and \$56.40 to the County for DPW ticket sales. Councilman Evans made a motion to accept the written Clerk Report. Councilman Hillman seconded the motion. The following motion was

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

Clerk Puglisi stated that Barb Holden is having surgery and will not be able to clean for about a month. He stated he would do the vacuuming and light cleaning until she gets back. Clerk Puglisi stated that people have asked why the Town does not have flags flying outside the Town Hall. He stated he was told the flagpole that the Town has does not work well. Councilman Gietl stated the flags get tangled and it is hard to get them down then. Clerk Puglisi stated that a telescopic flagpole that is 20 feet and made in America is about \$225.00 and the solar light is around \$120.00. Clerk Puglisi stated he would look to see if he could get it cheaper and report back to the Board.

Tax Collector Report -

A detailed written report was given to the Board. Clerk Puglisi stated that taxes are closed out for 2016 and the account is balance to the original \$5.00. Clerk Puglisi stated the Town warrant of \$325,765.00 was paid in full and the Town Received \$3,026.87 in interest and late notice fees. He stated the Town received approximately \$338.87 more in interest and late notice fees then last year. He stated the County received a total from the Tax Collector in the amount of \$523,691.26 and \$127,735.79 worth of taxes were returned unpaid to the County. Councilman Knapic made a motion to accept the written Tax Collector Report. Councilman Gietl seconded the motion. The following motion was

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

Clerk Puglisi suggested that next year the Board does not charge the \$2.00 late notice fee because he paid about \$50.00 out of his pocket towards peoples late notice fees.

Justice Report -

A detailed written report was given to the Board. Court Clerk Puglisi stated the Court took in \$115.00 for the month of March. Councilman Evans made a motion to accept the written Justice Report. Councilman Hillman seconded the motion. The following motion was

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

Highway Report -

Superintendent Schneider gave a detailed report to the Board. He stated all is running and that the issues with the new plow truck have been taken care of by the company. He stated that he has been looking into the sale price of the 94 Auto Car and it's worth \$12,000.00 to \$15,000.00. Superintendent Schneider stated he feels it is worth more to the Town then \$12,000.00 to \$15,000.00 and he would like to keep it to haul in the summer and keep the wear and tear off of the new truck. He stated that more has been spent in repairs in the last few years then what we would get for it. Superintendent Schneider stated that he contacted John Deere about replacing the loader this year and it will cost \$33,600.00 with the trade in of our current loader. He stated the salesman said the market is over flooded and John Deere does not have the government contract anymore. He sated the salesman stated there is a new boss and he might be able to get \$3,000.00 off of the \$33,600.00. He stated that he will look into other options with John Deere and other companies even if it has to be put out to bid to get a better price he will report back to the Board at the next meeting. Superintendent Schneider stated that the big summer projects are coming together and he will be replacing a culvert on Grove Road and chipping Slab City

Road. He stated that he still has to get another delivery of salt to meet the 70% minimum of the current contract, and the salt shed is nearly full. He stated he thinks the Town will be able to save money next year on salt.

Audit of Claims -

Councilman Evans made a motion to pay Town Abstract 4 of the General Fund, Claims 56 thru 74 for \$20,480.36 and Abstract 4 of the Highway Fund, Claims 38 thru 52 for \$126,094.06. Councilman Knapic seconded the motion. The following motion was

ADOPTED	Ayes	5	(Evans, Evans, Knapic, 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 8:10 pm.

Respectfully Submitted,

Frank Puglisi
Lyndon Town Clerk