

REGULAR MEETING

March 24, 2020

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 24<sup>th</sup> day of March 2020.

Present: Barbara Montante ----- Councilwoman/Deputy Supervisor  
Paul Knapic ----- Councilman  
Leonard Kaluzny Jr. ----- Councilman  
Frank Puglisi ----- Clerk  
George Schneider ----- Supt. of Highways

Absent: Carol Evans ----- Supervisor  
Clifford Evans ----- Councilman

Attended by: Meeting closed to public per Governor Cuomo’s Executive Order 202.1.

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

Councilman Knapic made a motion to accept as written the Clerk’s meeting minutes from the last meeting. Councilman Kaluzny seconded the motion.

The following motion was

ADOPTED: Ayes 3 (Montante, Knapic, Kaluzny)  
Nays 0

**Public Comment -**

Mrs. Dibble: My concern, I’ve been speaking with Frank a little bit about internet service and our options are pretty limited. I understand that Spectrum cannot come to our area because you’ve contacted with Armstrong. And Armstrong is not ready to come on service yet. So, I’m looking to get special permission for Spectrum to come service our home, maybe even for a short time. But again, I’m understanding that they have to put in more poles. We are about 1,100 feet from the pole.

Ms. Montante: Okay, thank you so much for your question there. And, I understand that the Town of Lyndon is very limited as far as internet service. And, also, the phone service is very sketchy. Right now, we are contracted with Armstrong. We are not contracted with Spectrum. And, that was due to the state. It wasn’t an agreement with the town specifically. The town did not choose that service. It was done through the state. Right now, Armstrong is working on setting up internet and it is going to be, I believe they said, at least a year and a half. We did meet with them last year, and they have started putting up poles and installing service. But, right now as far as Spectrum, we did check with Spectrum and they

said it would cost \$25,000 to service your home. They would have to put in a couple poles and that cost would be to you, the homeowner.

Mrs. Dibble: Ok, so Armstrong is not fiberoptic though, it's just another broadband?

Ms. Montante: It is fiberoptic.

Mrs. Dibble: Could you further explain to me what you mentioned at the beginning of your explanation about the state deciding this? Could you explain how that came about? And, are we the only township that is contracted through Armstrong?

Ms. Montante: No, we are not.

Mr. Puglisi: This was through a rural broadband project that the governor initiated, and the state is actually paying these companies to do this. And, they awarded the contract based on census blocks. Every census block is different, so like in the Town of Franklinville, part of it is Spectrum and part of it is Armstrong. But Armstrong is throughout Chautauqua, Cattaraugus, Alleghany and Stuben County.

Mrs. Dibble: But not the entirety of the counties, just portions of the counties?

Mr. Puglisi: Yes, and if you go to [Armstrongny.com](http://Armstrongny.com), there's a map that will show you where they have and where they don't have.

Mrs. Dibble: Ok, so they're telling you it's going to be an additional year and a half from today?

Mr. Puglisi: Yes, it will potentially be sooner to run the lines, but, as of right now, because of everything going on its kind of keeps getting delayed.

Mrs. Dibble: Yes, and ironically, that's why I'm putting the push on it; because we have school aged children and I'm working from home. Our neighbor has a business from his home and my husband has a business here. So, that's why I was trying to put a little push on it, hoping to get Spectrum to run here, because I could just about throw a rock and hit the pole where Spectrum runs. Were you able to speak with that gentleman that I spoke to that, he told me that if I got written permission that they could run the line? Is that who told you it would be \$20,000?

Mr. Puglisi: Yes. They emailed us back and they said it would cost an estimate of over \$25,000 to build out to these two houses. And, we would expect the homeowners to pay for most of the cost. They also indicated that they would not

do a franchise contract with us for cable because it would only be two houses in the town.

Mrs. Dibble: Have you put out a poll for that? I know more than two houses. I know people on the other end of Schneider that would want it. I know people on Abbots that want it.

Mr. Puglisi: They would be in the Armstrong census block. So, to do the franchise agreement, we would potentially be able to do that with Armstrong, because they do offer cable. But the state has only authorized them to do internet. And, there is no franchise agreement required to do the internet. The franchise would be required to do cable and the explanation from the gentleman from Spectrum was, when they do these contracts, it takes about eighteen months to do the franchise agreement and it's based off of thirty homes per mile. So, when they have to really sizably cut that down, they would have to then, there would be a cost to the homeowners and to the company and a federal agency has to approve this contract. And that's why it takes the eighteen months for them to do that. Our option would be to do that with Armstrong once they see how many people actually sign up for the internet.

Mrs. Dibble: How do they publicize that? How do they advertise?

Mr. Puglisi: Once they start running the lines, they are going to start sending things out to every resident, saying you are now eligible to get Armstrong. I believe their plans start at \$59.99 per month.

Mrs. Dibble: Ok, and that's how they gauge their interest to see who's interested in what and then see if they should run it in a certain area?

Mr. Puglisi: Yes. They will definitely be running the internet in the town because the state paid them \$1.7 million to do it. So, there will defiantly be internet. In terms of the cable, that would be a separate issue.

Mrs. Dibble: I'm just concerned about the internet at this point. It doesn't like it's going to happen in this pandemic. I guess I had just one other question. Did Spectrum obtain permits to put the new poles in?

Mr. Schneider: I think they're using National Grid's poles. So, they must have worked something out with National Grid. National Grid is changing a lot of poles; I see they put one in at the end of Ingalls Road. Must be just for that cable, right there at the corner of Abbott's and Ingalls Road.

Mrs. Dibble: Abbey and Eric Purer. They put one on the top of John Linderman's right by Rullo's and John said that he did not get permission, nobody approached him to put in that pole, so he wanted me to ask that question.

Mr. Schneider: I don't know how they could do that without permission.

Mr. Puglisi: Was there a pole there already?

Mrs. Dibble: Yes.

Mr. Schneider: They replaced it. They already had an easement there then if they replaced it.

Mrs. Dibble: Ok thank you. I guess that's everything that I have. I thought I would try my best to help our situation out here because it's been very difficult. Thank you for your time.

Ms. Montante: Thank you. Any other public comments at this time? Okay, with that said, we'll continue the meeting.

### **Old Business -**

Ms. Montante: I want to talk about the State of Emergency that we have currently. Right now, the governor's orders, they have extended the State of Emergency, so we have signed an additional 30 days State of Emergency. If the governor should have happened to lift that prior to the 30 days, we will follow suit.

Mr. Schneider: I think we really need to get these guys working. I could see if we had a town and we were employing 50 people, but we have three people. We could have them all in separate trucks. They could leave their trucks outside; they could talk on the radio. There's a lot of things we can do. We definitely need to have them working. Nothing is getting done. The roads, ditches, it's only going to get worse.

Ms. Montante: I will speak to that, the on call was suggested by the union first of all, and second of all, this is a very small town. Other towns, what they want us to do ideally is to split up the employees. They want half of the employees to work one shift, the other half to work the other. So, they want to have a crew on reserve. So, in case one person gets sick, they'll infect that crew that's on, so that they have a backup, they have a second crew to work. That is ideally what they want us to do. Now, they did say that as long as you can keep a safe social distance that you can deal with issues that create emergency issues and issues that create unsafe conditions for the residents. So, with that said, what they want done is...

Mr. Schneider: Now is this what the union wants done or the governor wants done?

Ms. Montante: This is – the union suggested that we do on call until the pandemic is over. The employees have to be within thirty minutes of the on call, that's from the union. As far as the governor,

Mr. Schneider: Okay, when you said union, I didn't know if the union said all of this stuff or not. You answered my question.

Ms. Montante: Okay, so that was directly from the union. Now the governor; they ideally want us to split the employees 50-50 to keep an extra crew. If something were to happen to our crew, we don't have anybody to fill in. We only have three people. What they're saying essential services are is water and sewer operation, snow plowing and weather emergencies, repairs of failed systems including traffic lights, signs, collapsed culverts, things like that, building cleaning and maintenance. That is what they're saying are essential services or emergency situations that create hazards for the residents. I will look into what the other towns are doing. I drive by the Town of Rushford every day and there's nobody there at the garages. They don't have anybody. I do know that the bigger garages, the bigger towns have more employees so yes, they can do all of this. So, I will check into all of that and I will get some clarification on that.

Mr. Schneider: I drive around all the time out here. I'm not happy sitting at home. When I signed an oath this spring, after the elections, first of the year, to do the best of my ability... sitting at home is not the best of my ability. We are a small town. This ain't Franklinville, this ain't Olean, this ain't Buffalo, this ain't New York City. This is Lyndon. I see more people stop at my house during the day, when I should be working. Normally I'm at work. More people are out galivanting, and I'm not mentioning no names, partying with other friends in this town, when they should be staying at home, but we can't work because the governor said we can't work. There's three of us. We are safer working than we are at home. All of us. Town of Franklinville, 100% working. They took a week off, they're working. Town of Ischua, took two weeks off, they're back to work, 100% working. Town of Hinsdale, they've got five guys. One guy is on disability, injured, two work one week, the other two work the following week.

Ms. Montante: What I'll do is, I'll check with the county and I'll check with the union and I'll get back to you with an answer by tomorrow.

Mr. Knapic: The ditches not being done could end up as an emergency situation.

Mr. Schneider: We're so far behind that everything is an emergency.

Mr. Knapic: If we get a rain, we're going to wash out roads. Its nice on paper, but we really need to take some steps to not let us get into a situation where we're going to be spending so much money trying to play catch up and with roads washing out, and just all kinds of different things happening because we're not

taking care of the roads right now. I mean I dodge pot holes every day. Robb Road is terrible. Terrible.

Ms. Montante: I will get a census and I'll contact the union and see what they want us to do because we are in such a unique situation.

Mr. Knapic: And then the big thing too is, what if we had George and one guy work?

Mr. Schneider: You're not going to get anything done. There're towns with a boss and two guys working now, and they're bitching because they've got three guys. That's my best day is three guys, that's my best day, and now you want to cut it down from that?

Mr. Knapic: But, I mean, even if we did that, at least we could get something done.

Mr. Schneider: Right, we could get something. It's better than doing nothing. If we ditch, I can be in the ditcher, Jamie can be in the truck, Scott can be in the truck. We don't even have to come here. They can take the trucks home for all I care. They don't have to come here and punch in or punch out or nothing, we can just do it by the honor system. They don't even have to have their pick ups here. If it's raining, take the day off if we can't get in someplace. I don't have a problem taking the day off here and there, but we're starting our fourth week of doing nothing.

Mr. Knapic: Right, I agree. I can see some real problems.

Mr. Schneider: People stop at my house, and I tell them to call you, but they don't want to call.

Ms. Montante: So, what I'll do, is I will make some phone calls tomorrow and I'll check into that for you. If you guys can work doing the safe distance thing and its ok, I will let you know that.

Mr. Schneider: I understand where the union steps that are involved here, but the union guy lives in Buffalo. What does he know about country work? Yes, he's representing the guys, I don't have a problem with that, but to say, no, you cannot work because of this, he doesn't understand this country work. We see more people at home than we do on the job.

Mr. Knapic: My son is an elevator repairman, construction. And he said to his boss, when is it our turn to take time off? He goes, oh, you're not taking your time, we're too busy. So, I mean, I understand that what they're trying to do, but it's not a cookie cutter thing. Not every town is the same. We're unique.

Mr. Schneider: I've been told there's no town in Alleghany County taking off. If Rushford is, that's the only one that I know of. People I've talked to said, nobody in Alleghany County was shut down. But that was also a week and a half, two weeks ago, so maybe since then they have.

Ms. Montante: So, our biggest concern is the safety for our workers, and I will check into, because since we are such a unique town and only have a few workers, I will check into that a little bit further for you and get back to you on that.

Mr. Schneider: I've got N-95 masks, I've got rubber gloves and I've got hand sanitizer. I've got all that, so if they want that stuff, it's here.

Ms. Montante: Okay, sounds good.

Mr. Knapic: And the thing, you know when you look at it, you've Walmart workers that are there every single day, and they're dealing with the public. These guys are not dealing with anybody, so I mean we've really need to get to the point where it really doesn't matter what anybody else is doing, it's what's best for our town.

Mr. Schneider: Lyndon is Lyndon. There's no other town like Lyndon out there.

Mr. Puglisi: I can tell you, I did talk with the governor's office today, and one of the things that they have said is, our spike, or our peak is not going to be until May 1<sup>st</sup>.

Mr. Schneider: Then why did we take the last few weeks off?

Mr. Puglisi: To lower the peak.

Mr. Schneider: We cannot afford to lose more time. It's going to get to the point where I'm going to frick this shit and I'm going to call an emergency every day and we're going to work fourteen hours a day, twelve or fourteen hours a day. You want that? Pay overtime? No, you don't want that either.

Ms. Montante: Like I said, I will check into it for you and get back to you.

Mr. Schneider: This should be a boardroom deal. Who cares what the other towns are doing and what they say? It should be up to you three right here. Honestly, that's my personal opinion. They have every personal protective equipment they need. We have it. It's not like we don't have stuff.

Mr. Knapic: And I agree with you. We might not be at the peak but we're not in Olean, we're not in Ellicottville.

Mr. Schneider: Would you rather have them stay at home, running around?

Mr. Knapic: If people are doing what they're supposed to be doing, I don't see anybody all day long. I never have contact. This is the most I have right now.

Mr. Schneider: I understand where the concern is coming from, but like I said, there's more people that stop at my house when I'm out splitting wood during the day, wanting to know what the hell is going on. And that's worse than being at work. It really is.

Mr. Knapic: Well, are we going to try to give it another day?

Ms. Montante: Yep, I'll do my homework on that.

Mr. Knapic: And then we really need to make a decision, I think.

Mr. Schneider: I mean, if I have to go work one guy one week and one guy the other week.

Ms. Montante: Maybe do every other day?

Mr. Schneider: I'd rather have one week. Every other day, you've got different guys in equipment all week, or every other day. You work them a week, you've got the weekend, they can set idle for a weekend. They can sit with no one in them for a weekend and air out. And then the next week, the other guy comes in.

Ms. Montante: Ok, so they would be able to get their work done with just one guy coming in?

Mr. Schneider: We will get some work done. Me and one other guy, yes.

Ms. Montante: And then we would have a spare guy.

Mr. Schneider: Yes. And if something happened, what could that one spare guy do? Nothing. That's my point. One guy can't do nothing. He just can't.

Ms. Montante: Ok, and then what would be your back up plan if the crew should become infected and there's an emergency? Who would take care of the emergency?

Mr. Schneider: Work with the infection. We've all worked through flus and things before.

Ms. Montante: Yeah, but this is different. Let me see what.

Mr. Schneider: It effects everybody differently. I could have already had it and not known it. You don't know and that's the issue of this. No one knows how it's going to affect. The older you are, the more health issues you have, the more stressed out you are, the more issues you could have from this.

Mr. Puglisi: I will say that you're not going to be able to work through this because the health department will quarantine you and they will check on you three or four times a day.

Mr. Schneider: Quarantine you to where?

Mr. Puglisi: To your house.

Mr. Schneider: Or your truck. As long as you're not in public that is all the quarantine is.

Mr. Puglisi: They come to check on you three to four times a day and take your temperature, they monitor...

Mr. Schneider: If you're in a piece of equipment they can come monitor you in a piece of equipment. Emergency is emergency. If worse comes to worse, get another town to come in in an emergency. There's three of us, if one of us gets sick, everyone is going to get it no matter what. I guarantee it. If someone in this town gets it, probably half of the town is going to have it before somebody knows it, because there's so many people talking. We don't have a big crowd but everybody talks to each other pretty much. No one is doing their social distancing right, really.

Ms. Montante: So, let me put my feelers out there and we will decide on that tomorrow. Right now, I don't have enough information to vote either way. I don't know what the consequence would be if we did not follow the governor's orders. I don't know what other towns are doing specifically, so let me check into that and then we can make a good decision once we get all the information that I need. Does that sound reasonable?

Mr. Knopic: Very.

Ms. Montante: As far as the State of Emergency, we are going to extend that an additional thirty days per the governor's orders. I will check into...

Mr. Knopic: Thirty days from now?

Ms. Montante: An additional thirty days from the date ours expired. Ours expires on the 17<sup>th</sup>.

Mr. Knopic: So, we're talking May 17?

Ms. Montante: That's correct.

Mr. Knapic: Wow.

Ms. Montante: But, if the governor lifts it, we will lift it. We won't stay the thirty days. So, whatever the governor decides, we're just putting this in place, just to continue the governor's orders. But once those are lifted, if they lift, we're going to lift as well, okay?

Mr. Puglisi: That's also not just specifically not just for the highway department. That's for all of the building permits, the whole thing. So, the town hall being closed to the public, everything, that's not specifically the highway.

Mr. Schneider: Barb, I don't know if you're going to call the highway department guys or the town supervisors to ask them how many other towns have filed for State of Emergency. A couple of highway guys didn't think they were. I'm just curious how many of them have and the guys just don't know it, or maybe they haven't. Maybe other towns haven't. I don't know. Or things have been done since I've talked to them about this.

Mrs. Dibble: If I could piggy back on what Acorn said, you could also ask for a soft close, rather than a hard close. So, if you asked for the soft close, there's a little bit more leniency rather than the hard close. You could get special permission for that.

Ms. Montante: I'll see what that entails, that's the first time I'm hearing of that. A soft close, a hard close. Ok, thank you for sharing that. And then once I get some additional information, I'll share it and we can make a decision. That was old business. The State of Emergency is going to stay in force. It will be the same as the one for last month and we did post it on the website as well and we will be updating the website with the new dates.

### **New Business -**

Ms. Montante: As far as new business, we did talk about the internet. Armstrong is working on that. We did get an update and they are working their best. They said that there might be a delay because of the pandemic but, they're still working on it and they're working diligently to get us to where we need to be. The supervisor's report is next up. So, everybody take a look at that. Frank did make us a nice spreadsheet for that.

Mr. Knapic: Just on that Internet; is there somebody we can complain to? Do they have a taskforce?

Mr. Puglisi: We had a card for Armstrong.

Mr. Knapic: Can we file a complaint because they're not moving quick enough? These guys have been forever.

Mr. Puglisi: What they are saying is they ran into issues with National Grid and their poles. So, there was apparently a huge fight back and forth about the shape and the condition of the poles. So that is what set this back. So now, National – it's telling me that they're moving forward quickly because National Grid is telling me that they are replacing poles, because this came up, I want to say it was some time in August or September of last year with the county, because they asked about this, they questioned why this was taking so long throughout the rest of the county as well, and it was National Grid with the poles. So that is why that is taking so long. So, I can see that it should start moving. I do have a call into Armstrong, the lady that came here.

Mr. Knapic: Do we have anybody at the state that we could contact to put pressure on them and say enough is enough?

Mr. Puglisi: That is one of the comments I made to the governor's office.

Mr. Knapic: Thank you.

Mrs. Dibble: During this time that you've been speaking, I texted John Linderman and he said they put in new poles. So, should he file a complaint for them not getting permission to do that? He was complaining about them rutting up his land down there on top.

Mr. Schneider: I believe they have to fix any damage they do. I don't want to yell at the National Grid guy because I like my electric, that's one guy I don't want to yell at too much. But I do talk to him and they are reasonable to talk to. Have John give somebody a call and they can figure it out.

Mrs. Dibble: These were Spectrum poles, Acorn, not National Grid.

Mr. Schneider: But, did National Grid put the poles in or did Spectrum put the poles in? With the cell service down there, she's got to be going crazy down there.

Mrs. Dibble: Maybe you could stop by and talk to John sometime about that.

Mr. Schneider: Yeah, I'll do that. How's he doing anyhow?

Mrs. Dibble: John? He's doing better, he's getting out and about. Maybe you want to call him though because he's not going out in the public though because he's weaker.

Mr. Schneider: I understand that, I'll give him a call then. Thanks, Tracy.

Ms. Montante: Next up is the clerk report.

Mr. Puglisi: I took in \$269.00 and I paid out \$269.00. \$161.36 to the supervisor. \$47.24 to the DEC, \$4 to animal control and \$56.40 to the county for DPW tickets.

Ms. Montante: Highway report? I know you guys haven't been working.

Mr. Schneider: We did a little bit of draining on the worst spots. But, since then, there's a lot more worse spots.

Ms. Montante: So more to come on that.

Mr. Knapic: Question, the snow, you didn't think there was enough to...

Mr. Schneider: I checked the roads in the morning and didn't think there was enough to go out. But I heard Saturday there was a couple roads that. At my house there was snow but it never stuck. The county plowed three times but they plow very early.

Mr. Knapic: Robb Road, we got hit over there pretty good. We had at least four inches. And over at the house there we probably had two, so I was just wondering.

Ms. Montante: It says, motion to pay abstract four of the general fund claims. Let me find the pages on there. I need a motion to pay the town abstract four, the general fund claims 51 through 58 for \$19,392.90 and the abstract four of the highway fund claims 29 through 36 for \$10,420.68.

Councilman Knapic made a motion to pay abstract four for the general funds claims 51 through 58 for \$19,392.90 and abstract four for the highway fund claims 29 through 36 for \$10,420.68. Councilman Kaluzny seconded the motion. The following motion was

ADOPTED	Ayes	3	(Montante, Knapic, Kaluzny)
	Nays	0	

Being no further business or concerns Councilman Knapic made a motion to adjourn the meeting. Councilman Kaluzny seconded the motion. All Ayes the meeting was adjourned at 7:41 pm.

Respectfully Submitted,

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Frank Puglisi  
Lyndon Town Clerk