

Town Highland
Special Town Board Meeting
February 23, 2024
Eldred Town Hall

Present Supervisor John Pizzolato
 Councilman Tom Migliorino
 Councilperson Laura Burrell
 Councilman James Akt

Also, present Attorney to the Town, Steve Mogul
 Town Clerk, Susan Hoffman

Supervisor calls meeting to order
Roll Call
Flag Salute

Motion by Councilperson Burrell to continue Alice Foster's current rate of \$18.46 per hour for 18 hours a week in the clerk's office, seconded by Councilman Migliorino, discussion, motion carried.

Motion by Councilperson Burrell to place a job posting for the code clerk at \$18.00 per hour for up to 25 hours weekly. The hours will be set as 8:00am to 1pm, Monday through Friday for the code enforcement office, seconded by Councilman Migliorino, discussion, motion carried.

Motion by Councilperson Burrell to appoint Jeff Spitz as Planning Board Chair, discussion: Councilman Akt questions, if Norm Sutherland isn't up until April what is the problem? Attorney for the Town: his position was by law up in April 2020. Councilman Akt: Well, it wasn't clear at the last meeting. Councilman Migliorino: I'll second with an explanation. The reason I'm voting this way to have Norm not reappointed is for the following reason: I had a discussion with Norman before the reorganizational meeting, making it clear that it was communication on his part. He wouldn't communicate with John or he members of the Planning Board. If you can't communicate then I can't support you. Seconded by Councilman Migliorino, three ayes, one abstention, motion carried.

Supervisor: I just want to state for the record, we'd like to keep Steve Bott, JT Voigt and Tim McKenna on the board for their appointed terms as is.

Motion by Councilman Migliorino to appoint Frank Monteleone as the vice chair of the Planning Board, moving him from the alternate list over to the Vice Chair position, seconded by Councilperson Burrell, discussion, motion carried.

Motion by Councilperson Burrell to move Dave Pietkiewicz into the alternate position on the Planning Board, seconded by Councilman Migliorino, discussion, motion carried.

Supervisor: Next item on the agenda is for the signing of the Fusco contract. I presume that they'll be conversation here amongst the board I'd like to open up to any discussion. I definitely agree with most of your points, I think that we have to get through this year for the sake of ease in the code office. We

definitely want to stay in motion as we vote for the best resources for our town and we'll continue to do so. But I think for the ease of getting through this first year with a lot of newness, we should rely on Fusco for exclusively our code enforcement and building inspection only. Don't think that we need to tether ourselves to a full-time engineer. I think each engineer that we work with has different specifications or has their own specialties. I think that we should have the freedom to go amongst each one of those engineering firms depending on the project. Councilperson Burrell: any conflicts of interest? Supervisor: I can speak personally from this, Al Fusco has a bevy of engineers and code enforcers and inspectors so if anything feels like a conflict of interest, they'll appoint both himself and one of his engineers that has no prior knowledge of our community, and Steve would recuse himself as the Planning and Zoning Board attorney. We would appoint outside counsel for any conflicts of interest. But just for the record, I've never worked with Fusco outside of the capacity of the town. Any further conversation? Councilman Akt: On this vote? Are you going to recuse yourself on Fusco because of this oasis project? It's either a yes or a know for me? I don't have to hear it so everybody knows I got all the paperwork on the Oasis and how you know, what the problems are and what the you know how you guys stated your work. Fusco had a year to get this straightened out. It isn't straightened out. When I go into the code enforcement office to ask her about certain things, I can't get an answer from her. I get an answer from Al Fusco. Now, every other town, if you go into building inspector office or code enforcement office, you ask a question. I need answers from that office.

Supervisor: In terms of in terms of Al Fusco, he owns the company, and is the appointed personnel that oversees the entire regulation of the town like his name is on, you know, any legal reporting to the state that would have to be done and he assigns personnel to our town specifically. So ultimately, Al would be your point of contact.

Councilman Akt: The county has a list of building inspectors and code enforcement officers that we can get rid of all this garbage that we're that keeps dragging on and on and we can pick somebody because everybody's worried about Haas's and their family. The county has a list of people and we can go off for that. I don't know how one town has three, four engineers, and every other town has one engineer. Now we've got Joe Gottlieb is an engineer. He's a structural engineer. If Joe can't show up, we have Keystone and we have Fusco. Fusco isn't, he's a mechanical engineer. We can have one engineer for everything. We're going have to get some engineers here to evaluate them. Then the board votes or not, not that Fusco is the guy that we're using, and that's what we're doing. Because it's conflict with different jobs in the town. Councilman Migliorino: Since we're having this conversation, so your concern is that we have too many engineers in the town, I agree. Now of course in this X amount of time, so we want to narrow it down to one engineer right now.

Supervisor: I don't think I don't have to vote on the engineer nor do we have to right now.

Councilperson Burrell: My goal is to get the code enforcement signed today so that there is code enforcement and the office can be opened and function for the public. It is the contract we used in the years past, and we can revisit and build a whole new list of people for this or even identify a full-time position. But this first year as we're transitioning, I really just want to move forward with the contract. And engineers we have been using way too many. And I agree with that.

Attorney for the Town: Just by point of clarification, my understanding is that the Fusco contract is for code enforcement. Correct. So that means that any discussion on engineers is really above and beyond the agenda. From a legal standpoint, it's not a special meeting is narrowly tailored, whatever is on the

agenda. That's what appears on the agenda. There's really no leeway, because if you deviate from that, then members of the public legitimately make an argument that they will provide no notice as to this discussion of a new topic because a special meeting was called and this was the overriding will notice on the on the agenda it doesn't say old business and new business. It is it is narrowed to these particular items. That was what I suggested at the last meeting that given the necessity of getting and moving forward on certain items that. I certainly respect the notion that the town has a lot of work to do with regard to the engineers, but I believe the only thing that's on the table right now is the code enforcement postural contract.

Supervisor: Jim, we are in agreeance and that's why we're having a presentation by somebody that the comptroller's office recommended that a great record. They're coming to do a presentation in March. They work up in the Finger Lakes. They seem to be a really great group. I'm all open. I'd like to go local whenever possible. I think we can revisit this topic at the March meeting and really narrow it down to a single engineer.

Councilman Akt: I can understand that. I've worked with BJ and that office, and then she gets fired. She wasn't fired and then we get another person she got fired. There's no sense lying to people and then she got fired. Or he took her off this because of political bullshit. And I'm going through it I'm fighting against people that I like and everything else because the town's split right in half new people better know that split in half, half people are for one side or the other. We can't get we go head-to-head with and be decent enough. BJ was taken off. She was doing her job. She's in other towns. I deal with eight different towns and different building inspectors and they don't have this kind of problem and all Fusco does is bring this problem to this town.

Councilman Migliorino: The Fusco Contract goes from January 1, 2024 to December 31 2024, correct? Do we need to do a contract with a month by month to work this out? I7548 mean we can the only available so we can have more discussion.

Supervisor: When I took office in December, I received a letter from Fusco Engineering that we had already agreed to continue on with Fusco services. We have no record of the November, December and January meeting minutes. We have no idea what was actually passed at those meetings. I was under the understanding as the letter had framed that we'd already agreed to work with them. They asked if we might add personnel shifts. They were looking for more code enforcers, they're adding people we recommended Deb because she was a local person. But I think when we initially spoke about this in the Personnel Committee and we could report on this, that we were looking to hire somebody directly as a long-term goal. We could reshape the office so that there wasn't a lot of these conflicts of interest and that we weren't having a rotating door. We've had six code enforcers now in the past two years

Councilman Akt: If you went off the county list, you wouldn't have it unless they quit themselves. Every single one that come out of there that quit is from Fusco so he can't get somebody in there to do the job decent enough.

Supervisor: We've had a contract with Fusco for 2022, 2023 and now going into 2024. We've been covered by Fusco meaning that they're the ones who changed the personnel which is commonplace. I'm definitely open to doing a month to month and that we can put that back to Al Fusco.

Attorney for the Town: Did you have a second on the motion? No, Councilman Migliorino asked for discussion. A motion for discussion no second, the motion failed.

Motion by Councilperson Burrell to sign a month a month contract with Fusco for code and building inspection purposes, seconded by Councilman Migliorino, discussion, motion carried.

Public Comment

I'm Curtis ????. I brought to the attention of Debra I sent photos of the building that burned down in September of 2012. Since then, I spoke to a couple of different code enforcers. I sent photos of the structure. I looked up the code on the town record that was available online. I believe it is violation section 148-0 and 180 where it's an unsafe building. They've been apparently doing some demolition. There is debris all over, this is 9 Curtis Road and there's nails protruding from floor joists and that I agree with your assessment. You don't need mechanical engineers such as Fusco to do code enforcement and you can't have a turnover of people in that position. It's offensive to the town, we're going to be at a loss and it's our taxpayer money that you're spending. You're spending all money. We want the most bang for our buck.

Supervisor: I agree 100% and I thank you for that we will definitely look into some details All of the restructuring of everything is to provide consistency and longevity for our town. The ultimate goal is to work with personnel directly. Yes. I'm a little bit worried that she's a huge estate. Public

Tim McKenna: I'm a bit worried that you have made a huge mistake. I find it incredulous that you will give Fusco who hasn't had a contract since January of this year? Supervisor: that the previous board signed the contract through December 31 2023 and we presumed that they had already I believe they made a motion at the November meeting to elongate that contract. We've requested those minutes. We're waiting for those minutes. That's the way it was presented to me. Tim McKenna: So, my point is, it seems like it's a personal vendetta. Norm is a good guy. Norm has the town interests at heart. I have a few concerns and these are legal concerns. Local laws are saying that if you appoint a new guy or you bring up the alternate? I called a couple of people up in Albany and they said, if someone is promoted-up they're not allowed to vote on ongoing business. I'm specifically talking about FIMFO. Norm has put in hundreds and hundreds of volunteer hours into this project. Why don't you give him an extension? I've attempted to contact Norm, Laura's contacted Norm on my behalf, Tom's contacted Norm on my behalf. We had a public forum twice for the planning board chair to meet the new attorney for the town, so that there was a conversation before we got in front of our most controversial projects like FIMFO. We wanted to arrange a meeting in advance, he didn't show up to that said meeting. We've made numerous attempts to try to establish a relationship with Norm and to have a working relationship with Norm but you have to understand that we're legally responsible your position as a planning board appointment is not a legally bound position. We are accountable for the decisions that the Planning Board makes, ultimately. If I don't have a working relationship with somebody where I can call them and get a response, regardless of whether we agree on projects or don't agree on projects, I just wanted a working relationship and I attempted that several times.

Motion by Councilperson Burrell to adjourn this meeting, seconded by Councilman Migliorino, motion carried.