

A Work Session of the Town Board of the Town of Clarence was held on Thursday, March 6, 2014 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 9:00 A.M. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Town Attorney Lawrence Meckler, Highway Superintendent James Dussing, Parks Crew Chief James Burkard and Director of Administration and Finance Pamela CuvIELLO.

The Town Board conducted several interviews for openings on the Ethics Board, Zoning Board of Appeals and the Recreation Advisory Committee.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to recommend Douglas Curella Jr. to fill the opening on the Ethics Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

### **Parks Crew Chief – James Burkard**

Mr. Burkard presented preliminary concept plans to convert part of the existing mechanics shop at the Main Street Park into a year round lavatory facility. The facility will be heated for use in the winter time however it will be locked at night. All the utilities are on site. It is currently on septic until sewers go through once the tap at Main Street is approved. The existing lavatory facilities will be demolished, having one central located lavatory.

Mr. Burkard is hoping to utilize the east wall and part of the north wall of the current shop building. The foundation in the front will be redone. Approximately 80% of the building will be replaced. The building will tie in with the Clubhouse using columns and stone. Because the building must be ADA compliant, Councilman Casilio suggested looking for grant monies. It was also suggested that it may be most cost efficient to demolish the building and start from scratch. The project will be bid out with the option of Parks employees doing some of the work.

Mr. Burkard also stated that it would be a great addition to the Parks Department if the current owner of the property the butts up to the Parks Department garage would sell off his property to the town for future expansion.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to §105(1) F of the Open Meetings Law to discuss the employment history of a particular person. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to adjourn the Executive Session at 10:00 AM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

The Work Session resumed at 10:05 AM.

### **Review of NYS Audit Report - Highway Department/Parks Crew Chief**

*Mary Young – Lumsden & McCormick LLP*

Councilman Kolber suggested Lumsden and McCormick come up with a corrective action plan to address the issues presented in the NYS Audit Report as it pertains to the fuel systems at the Parks and Highway Departments. He also would like to see a procedure for managing the town's vehicle fleet.

Mary Young stated that other towns and school districts have fuel systems and also have other entities that use those fuel systems similar to what the Town of Clarence does. This affects how many people have keys, when the pumps can be on/off, fire departments needing access etc. Many of the towns have the fuel system that the towns Highway Department has in place. The best way to use the fuel systems is to set up controls. The Parks Department does not have any kind of system that downloads the usage information to a computer that would indicate gallons, mileage, use of vehicles etc.

The Highway Department uses a computerized fuel monitoring system that records and reports fuel use by employee, vehicle and department. Every vehicle is assigned a fuel key that registers a four-digit number in the system. Town employees are assigned a four-digit user identification to access and operate the fuel pumps. The way the fuel system is set up at the Highway Department has some controls that are put in place that need to be checked to make sure they are properly set up. An employee needs to use an employee identification card and a vehicle key. When they put in the information and swipe the key, they also have to input an odometer reading. It is important to make sure that whatever controls are in the system are set up properly.

Highway Superintendent Dussing stated that his department experienced a period where they were having software issues and computer problems. The software vender was out numerous times to try to resolve the issue. It has been working successfully for the last four months. Nature's Way Environmental installed the system and they maintain it. Mary Young stated that given this information, it may make sense for her to come in and do some additional testing to make sure those controls are in place and are working properly. "There is a series of recommendations on how the software could be better tightened up." Councilman Kolber stated that the hardware technology that is in place is sufficient, it just has to be utilized properly. Someone should be looking at the reports and reconciling them. Superintendent Dussing stated that most of the recommendations in the audit concerning the Highway Department have been or are easily rectified. He would like to come up with some type of system to reconcile the books once a month. The reports are there, they are difficult to read. They contain employee numbers vs. product numbers vs. vehicle numbers. The Highway Department bills the Youth Bureau, Senior Center, fire companies, town departments etc. that utilize the fuel farm. The software program gives a breakdown of what how much fuel each entity uses and each entity is billed accordingly.

Councilman DiCostanzo stated that the audit also addressed the managing of the town's fleet of vehicles and whether or not they were being managed in a cost effective and efficient manner. The town's vehicle fleet includes approximately 130 vehicles, trucks and heavy equipment. According to the audit, some heavy equipment vehicles showed no fuel usage from January 2013 through August 28, 2013. Superintendent Dussing stated that the auditor looked at the mileage of some of this equipment and not the usage. Had she done that she would see that some of this equipment is seasonal (pavers, packer, excavator, roller, brush chipper) and does not get used year round. Further, this is equipment that is fueled via a "pony tank" meaning the pavers, excavators etc. are fueled from a 90 gallon fuel tank (you cannot pull up to a gas pump to fuel up a roller, paver, excavator etc.). This equipment may have a key assigned to them but for convenience purposes they are filled on site from the fuel tank. The "pony tank" has a key and the fuel is accounted for. Parks Crew Chief James Burkard stated that he has two vehicles going to auction, the auction was not held last year so they will be going to auction this year.

Parks Crew Chief James Burkard stated that his men fuel their pickup trucks in the morning with a mower on the back and a 5-gallon gas tank to take with him. It is difficult to track every gallon of gas and where it is going to go. He knows what the gallon usage

is. Access to fuel at the Parks Department is available to individuals with a valid fuel key. There is also a security camera pointed directly at anyone accessing the fuel pumps.

The State Auditor noted that several vehicles in the Parks and Highway Department get minimal use. Both Highway Superintendent Dussing and Parks Crew Chief Burkard stated that during the summer months there are not enough vehicles to go around. Especially with the hiring of summer help, it is not cost efficient to have a parks employee driving the summer help around to different job sites.

Supervisor Hartzell suggested at budget time each department review their fleet and the amount of usage. Outline which vehicles to keep and which ones to salvage.

Mary Young suggested out-lining how often the town acquires new vehicles, it could be possible that some of these vehicles are being turned over to quickly.

Councilman Kolber noted that the issues with the Highway Department are minor and just need some tweaking however the issue with the Parks Department is not as simple and not as regulated. Parks Crew Chief Burkard stated that security of the fuel pump is adequate, however accountability is an issue. He has taken full responsibility for the overpayment for the ethanol blending fee for all purchases of unleaded fuel. Mr. Burkard has since talked to the vendor and has been reimbursed for the overcharge. Since the audit, Mr. Burkard also added a 40 key box, there are ten keys now. The cost was \$2,625. It was expanded to break down keys more too individual vehicles. He cannot break down every gas can and every lawn mower. Mary Young suggested the Highway Department designate a key to the Parks Department for use of the Highway Department fuel farm for emergency purposes and for better tracking documentation.

Councilman Casilio has issues with a key system and feels it may be time for an upgrade to the pump system at the Parks Department. He would like to see computer monitoring of the gas pumps. Mr. Burkard stated that the mileage is being recorded once a week with every truck. Councilman Kolber stated that the point is to match the fuel use to the truck. Councilman Casilio is expecting a log on fuel use with mileage from the Parks Department.

Town Attorney Meckler stated that regardless of the fact that Mr. Burkard's system works, it will not satisfy the NYS Comptroller. Upgrading the system will solve the issue.

Councilman Casilio would like to find out more about GPS Systems for all town vehicles and asked Mary Young to see if other towns are doing this. The State Audit mentioned town vehicles being driven home by individuals for personal commuting purposes. He would also like Ms. Young to find how other towns address this issue. Mary Young stated that in other towns and municipalities where an employee can take a town vehicle home it is added to their W2-it is considered a perk and is taxable.

Mary Young stated that employees should be signing a log every time they fuel up. The other side of that is someone has to be looking at that log to make sure the usage is in line with the fuel purchased. The log should include the date, vehicle number, employee name, odometer reading, number of gallons and whether or not they are filling up a gas can. This would satisfy the NYS Auditor without having to upgrade the fuel system.

The audit indicated that Town Assessor Fusco does not put much mileage on her town vehicle. Councilman Casilio stated that Town Assessor needs a town car to do field work. She could possibly use the Supervisor's vehicle. Councilman Casilio stated that the Town does not have a Fleet Policy in place, he would also like to see vehicle identification

addressed in the policy as well. Highway Superintendent Dussing stated that he has looked into leasing town vehicles however, it did not appear to be any less expensive.

There was discussion regarding the electric golf cart that was donated to the town and was damaged during Day in the Park several years ago. There is only one dealer near Rochester, NY who works on electric golf carts however the Parks Department has not invested the money to have it fixed. The mechanics at the Highway Department will take a look at the cart to see if it can be fixed.

A corrective action plan has to be submitted to the State Comptroller by April 9<sup>th</sup>. Mary Young stated that the Town will not have everything in place by August 9<sup>th</sup>. But as long as the Board submits a response with an outline of corrective measures that should satisfy the Comptroller's office.

Supervisor Hartzell stated the Pam CuvIELLO along with Mary Young will work on a response to the Comptroller. Parks Crew Chief James Burkard will obtain prices for computerizing the fuel pumps at the Parks Department.

Councilman DiCostanzo and Councilman Casilio have Attorney-Client items to discuss. Pam CuvIELLO was asked to remain in the meeting.

There being no further business, the Work Session adjourned at 11:12AM.

Darcy A. Snyder  
Deputy Town Clerk