

**SPECIAL SALEM TOWN BOARD MEETING
TO APPROVE BAN RENEWAL ON DOOSAN DL250 WHEEL LOADER
& TO REVIEW ANY OTHER ITEMS THAT MAY COME BEFORE THE BOARD
DECEMBER 11, 2025**

Present: Supervisor Evera Sue Clary; Town Council: Tom McMorris; Brenda Levey; Clerk to Supervisor-Kathy Chambers; Town Clerk-Pat Gilchrist
Councilman Howard Law will be attending by videoconferencing from his residence @ 2277 State Rte. 313; Shushan, NY 12873

Absent/Excused: Town Councilman-Wyeth Coburn

PUBLIC PRESENT: Joe Wever-Salem Volunteer Fire Dep't.

3:30 P.M.-Supervisor Clary called the meeting to order, followed by Pledge of Allegiance

BAN Renewal for \$74,000-Doosan DL250 Wheel Loader-The BAN is due @ Arrow Bank tomorrow, 12/12/2025, so all paperwork must be executed by Supervisor Clary & Clerk Gilchrist. **Resolution #85-**

Motion made by Councilwoman Brenda Levey, seconded by Councilman Tom McMorris, to renew the BAN for the Doosan DL250 Wheel Loader in the amount of \$74,000 to be due on 12/11/2026, together with interest from 12/12/2025 at the rate of Three & Ninety-Seven Hundredths per centum (3.97%) per annum & for Supervisor Clary & Clerk Gilchrist to execute all necessary paperwork provided by Attorney Klingebiel; passed 3-0.

3 Vouchers Presented for Payment-Motion made by Councilwoman Brenda Levey, seconded by Councilman Tom McMorris, to pay 3 Vouchers presented for payment by Clerk to Supervisor Chambers; passed 3-0.

Fire Protection Agreement w/Salem Volunteer Fire Dep't. for 2026-Joe Wever presented the contract for 2026 for fire protection to Board for signature by Supervisor Clary for 01/01-12/31/2026. Item 4. Hold Harmless & Item 5. Insurance were questioned by Councilman Law as his recollection was that something was going to be changed in the 2026 Agreement. Henry van den Heever, Senior Risk Control Specialist for NYMIR, sent a letter to Supervisor Clary, dated 02/07/2025, with a list of recommendations, one being Section 4. & 5. of Salem's Fire Protection Agreement. He recommended that Section 4. be removed from future contracts. "The Town should not be held responsible for the failure of the fire company to perform contracted services. As stated in Section 5., the fire company is required to hold the Town harmless for failure to perform contracted services. Fire companies typically have adequate insurance against any contingency, and it should be their insurance company that pays a claim for their negligence." This issue went back & forth for several months between Attorney Klingebiel & Attorney Brad Pinsky, attorney for Fire Dep't. Attorney Pinsky was adamant that Paragraph 4. not be removed. His response is as follows: "Paragraph 4. Simply has the Town holding the (Fire) Company harmless if it does not respond to a call due to low staff. It is not a full release from liability. The Town, by law (Sawyer v. Town of Lewis), is liable for all acts & omissions of the Fire Department. That is why Paragraph 5. Exists. So, Paragraph 4. Is about a lawsuit by the Town vs. the Department. Paragraph 5. Is about the Fire Department & Town getting sued, & the Department providing coverage. They do not conflict as they are unrelated." Town Attorney, Dave Klingebiel, responded saying the issue could be addressed when contract was renewed for 2026. The Town can refuse to pay the Fire Dep't., but then there would be no fire protection as the Fire Dep't. won't respond. Dave's recall was that the Board's conclusion was that although the language is not ideal, there was no choice but to leave as is.

Resolution #86-Motion made by Councilman Tom McMorris, seconded by Councilwoman Brenda Levey, agreeing that Supervisor Clary execute the 2026 Agreement for fire protection between the Salem Volunteer Fire Department, Inc. & the Town of Salem in the amount of \$213,502; passed 3-0.

The following Resolutions were requested by Clerk to Supervisor Chambers:

Resolution #87-Motion made by Councilman Tom McMorris, seconded by Councilwoman Brenda Levey, for a transfer as follows:

\$ 500.00

A1410.11 Town Clerk-Personal Svcs.-Deputy

\$ 500.00

Pay for Deputy Town Clerk hours-2025

Passed 3-0

Resolution #88-Motion made by Councilwoman Brenda Levey, seconded by Councilman Tom McMorris, for a transfer as follows:

\$ 400.00

A1110.11 Justice-Personal Svcs.-Clerk

\$ 400.00

Pay for Justice Clerk hours-2025

Passed 3-0

Option Agreement for Stanton Hill, LLC Property for Sewer Project-Need Resolution for Supervisor Clary to sign the Option Agreement for purchase of the Stanton Hill, LLC property, consisting of approximately 1.07 acres of land, as well as a right-of-way & easement being approximately 0.07 acres of land, identified as tax map parcel i.d. #208.-2-82. **Resolution #89-Motion made by** Councilman Tom McMorris, seconded by Councilwoman Brenda Levey, agreeing that Supervisor Clary sign the updated Option Agreement for the purchase of the Stanton Hill, LLC property, consisting of approximately 1.07 acres of land, as well as a right-of-way & easement being approximately 0.07 acres of land, identified as tax map parcel i.d. #208.-2-82. Passed 3-0

MOTION TO ADJOURN-Motion made by Councilman Tom McMorris, seconded by Councilwoman Brenda Levey, to adjourn the special meeting of the Salem Town Board; passed 3-0. Meeting adjourned @ 3:40 p.m.

REGULAR MONTHLY MEETING of the Salem Town Board that was to be held on Wednesday, December 10, 2025, in Proudfit Hall; 281 Main Street; Salem, NY, was cancelled due to the snowstorm.

Regular Monthly & Year-End Meeting-will be held on Monday, December 22, 2025, @ Proudfit Hall; 181 Main Street; Salem, NY, beginning @ 5 p.m. for review of Abstracts #12 & Highway Abstract #12 for payment. Business meeting will be called to order @ 6 p.m., followed by Public Hearing on "Local Law #4 of 2025, authorizing the use of Video Conferencing for Meetings of the Salem Town Board in the Event of Extraordinary Circumstances".

Respectfully Submitted:

Patricia A. Gilchrist-Town Clerk
Town of Salem

