

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, April 8, 2013 at the Village Hall.
Meeting opened at 7:01 p.m.**

PRESENT: Mayor: Stephen C. McAvoy
Trustees: James Tuk
Ellen Tuohey
James Whipple
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Douglas Rue - Absent
Attorney David Schubel
Fire Chief Jason Gerety
Public: Ben Walker, Lauren Sullivan, Rhonda McKinney, Howard Balaban

APPROVAL OF THE MINUTES

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to accept the minutes of the February 11, 2013 (amended), March 11, 2013 regular meeting and March 28, 2013 Special meeting.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR:

- Ben Walker – Questioned when the Zoning Board of Appeals would be ready to review his request to build a garage that needs a side setback variance approval. He’s been working with Code Enforcement Rue, however Mr. Walker has a quote that is only good for 60 days and would like to get things rolling. Clerk-Treasurer Woodworth stated that Code Enforcement Rue provided her with the Legal Notice that needs to be posted in the paper she just needs to confirm with the Zoning Board of Appeals members when they would be available for the Public Hearing.
- Howard Balaban – Informed the Village Board that he will be the new reporter in the area for The Journal Register now.

USE OF FACILITIES

- Somerset Little League – Requested use of the Lake Avenue Ball Fields from April 1, 2013 to June 30, 2013. On the following days Monday – Friday 6:00 P.M. to 8:00 P.M and Saturday 9:00 A.M. to 12:00 P.M. A schedule and certificate of insurance were not provided. Trustee Whipple would like to approve the use of facilities with the understanding that fields cannot be used until the Village receives the certificate of insurance, Trustee Woodward Jr. agreed.

RESOLUTION NO 2013-19

USE OF FACILITIES – SOMERSET LITTLE LEAGUE

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to approve the Somerset Little League to use the Lake Avenue Ball Fields once the Village receives their certificate of Insurance.

Vote: 3 Ayes (McAvoy, Whipple, Woodward Jr.); 2 Nays (Tuk, Tuohey); 0 Abstain

- Trustee Tuohey stated that she was against this, that the Little League had plenty of time to get this information as the same thing happened last year. Trustee Tuk agreed and stated Mayor McAvoy was the deciding vote and you’ve placed your vote. Mayor McAvoy stated yes but this lateness on the paperwork needs to stop.

Report – Fire Chief Gerety

- Reported the LFD were busy on April 7, 2013. They were called out to a brush fire in Carlton and were able to use their off road vehicle for the first time.
- OSHA Training will be starting next week.
- YTD calls – 58, MTD calls – 19 (5 – EMS in Town, 7 – EMS in Village, 2 – CO Detector, 1 – Structure Fire in the Town, 1 – M/A FAST to Medina, 1 – M/A to Kendall, 1 – M/A to Carlton, 1 – M/A to Ridgeway)

Report – Code Enforcement – Rue

- Absent
- Clerk-Treasurer Woodworth stated that Code Enforcement Rue had sent a letter to the Pennysaver Markets regarding the complaint of the “barn” on Eagle Street.

Report – Attorney – Schubel

- Was present along with Clerk-Treasurer Woodworth for the pre-closing for the Bond Refunding on April 1, 2013.
- Completed the Waiver for Officer Riemer to assist with unlocking vehicles that are locked with the keys inside.

Report – Clerk-Treasurer Woodworth

- Clerk-Treasurer Woodworth has been working with Orleans County for assistance with fingerprint for two (2) arrests Officer Riemer needs to make. Orleans County has agreed to allow Officer Riemer to do fingerprinting at the Orleans County Jail. NYS DCJS does not accept fingerprint cards anymore it’s all done electronically. Clerk-Treasurer Woodworth spoke to NYS DCJS for a Cardscan system it is \$10,000.00 and a Livescan system is

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\$20,000.00. Plus both would require a \$400.00 annual service contract. Per NYS DCJS we are too small of an agency to qualify for a “free” machine.

- Carbonite – Clerk-Treasurer Woodworth reviewed Mayor McAvoy’s PC and the Code Enforcement/Police PC to see what was being backed up. Clerk-Treasurer Woodworth found several personal photos and Town of Yates zoning pictures that were from Dan Wolfe. Those were removed from the Carbonite backup which freed up a lot of space. Clerk-Treasurer Woodworth asked if she should put the pictures on a flash drive and take them to the Town of Yates to be downloaded to their PC. The Board agreed that was the neighborly thing to do.
- NFAVO Meeting on April 17, 2013 at 6:00 P.M. Clerk-Treasurer needs to know how many will be attending and needs approval to cut a check to cover the cost. Six (6) members from the Village of Lyndonville will be attending.

**RESOLUTION NO 2013-20
NFAVO DINNER MEETING**

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth cut a check to cover the cost of the six (6) Village of Lyndonville members to attend the NFAVO dinner meeting on April 17, 2013.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

- KVS – Superintendent Woodworth requested detailed paid time off reports on the DPW employees. Clerk-Treasurer Woodworth wasn’t able to get a detailed report that broke it down by day, per OSC this is needed to better track time off. Clerk-Treasurer Woodworth contacted KVS regarding this and found out that the Village doesn’t have the Attendance Platform that is needed to track detailed time off. Per KVS to add the Attendance Platform it would be \$1,879.00 plus \$340.00 annually in SSS/Hot Line fees. At this time Clerk-Treasurer Woodworth was made aware the Village is paying around \$2,700.00 in SSS/Hot Line fees. Clerk-Treasurer Woodworth has been negotiating with KVS on the Attendance Platform; the new quote is \$819.00 and no SSS/Hot Line fees and will be negotiating the remaining SSS/Hot Line fees of \$2,700.00.

**RESOLUTION NO 2013-21
KVS – ATTENDANCE PLATFORM**

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, purchase the Attendance Platform from KVS with the cost not to exceed \$1,000.00

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

- Vouchers – # 540 – # 600 to be paid

General	\$ 17,963.02
Water	\$ 38,472.31
Sewer	\$ 4,948.36
Capital	\$ 567.58
Grand Total	\$ 61,951.27

**RESOLUTION NO 2013-22
VOUCHERS TO BE PAID**

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to have Clerk-Treasurer Woodworth to pay Vouchers #540-#600.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

Report – Superintendent Woodworth

- Starting spring cleanup.
- NYRWA mapping is complete for water and sewer. Superintendent Woodworth has a program to be loaded on his PC and the Clerk-Treasurer’s PC that contains the mapping. Superintendent Woodworth shared the maps with the Village Board.
- Superintendent Woodworth shared pictures with the Village Board of the original water lines from 1924.
- Reported 62 mph winds at the Wastewater Treatment Plant and 54 mph winds at the Water Treatment Plant on April 7, 2013.
- Wastewater Treatment Plant update:
 - Closeouts last week for Allied Builders and Blue Heron
 - Contacted John Paul Schepp from Chatfield Engineers regarding not being able to pump sludge. Mr. Schepp is going to contact Eric of Blue Heron. Superintendent Woodworth might have to use a gas pump (mud sucker) to pump the sludge.
 - Boiler is on site, not installed yet.
 - Steve from USDA did security inspections at the Wastewater Treatment Plant and the Water Treatment plant. He needs to do final inspection at the Wastewater Treatment plant as the time limit on the funds for the project is running out.

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- The auto valves for the filters are in at the Water Treatment Plant; this will make the Health Department happy.

Report – Trustee Tuohey

- State she hasn't been working on the Village website in a while. Mayor McAvoy stated that's ok we don't have the website anymore but to go ahead and continue to gather information for the future. Superintendent Woodworth asked if the Village would be getting a website soon since the Water Quality report could be linked to it instead of mailing so many out. Per Mayor McAvoy we will be looking into a new provider with simpler programming.

Report – Trustee Tuk

- Asked Clerk-Treasurer Woodworth if there was any update from Toski & CO., P.C. Clerk-Treasurer Woodworth stated she received an email from Joe Geerkin at Toski looking for the password to access the QuickBooks file from Bookkeeper Gaesser. Clerk-Treasurer Woodworth left Mr. Geerkin a voicemail looking for an update and the password but has not heard back from him yet.
- Asked Attorney Schubel where we stand with the Water Agreement with the Town of Yates. Per Attorney Schubel he will work with Attorney Andrew Meier from the Town of Yates to draft up the agreement by Thursday for the Town of Yates meeting. The Town of Yates will just need to pass the agreement and then the Village of Lyndonville will need to pass it as well. Trustee Tuk would like to see this move as soon as possible. Attorney Schubel agreed as the last agreement expired in 2011.
- NYCLASS accounts – Trustee Tuk has been doing some research on when the accounts were established and what they were established for. He found that the Lyndonville Fire Department's reserve account was setup twenty (20) years ago. However it's very inconsistent on the contribution amounts and it looks like nothing has been contributed since Clerk-Treasurer Miller left in May of 2011. Trustee Woodward Jr. stated that the account was meant to save up for equipment down the road. Trustee Woodward Jr's understanding was the amount to be contributed each year was \$20,000.00 after the fire truck bond was paid off and any unspent budgeted funds from the Fire Departments budget. Trustee Tuk stated 2008 was the last time \$20,000.00 was put in. He also found the Employee's Fund was setup 10 years ago. Trustee Tuk wasn't able to find information on when the Water Fund was established and its purpose yet. He also stated that Water Tower is going to need to be painted and was hoping these funds would be able to assist with that. Trustee Whipple stated we need to budget for these things in case we can't use these funds.
- We're not there yet with the 2013-2014 Budget. Clerk-Treasurer Woodworth found that the Fire Departments NOCO bills were not coming out of the Fire Departments budget for 2012-2013. She's hand calculated the figure and will do a journal entry to remove from the DPW Garage Contractual to the Fire Department Fuel Contractual. Clerk-Treasurer Woodworth has also removed the budgeted Interfund Transfers.

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Whipple

- Nothing

OLD BUSINESS:

- Nothing

Report – Mayor McAvoy

- Nothing

NEW BUSINESS:

- 2013-2014 Budget is still being worked on. Per Mayor McAvoy we will need to have a Public Hearing for the Budget and the Tax Cap. The Board decided to hold the Public Hearing for both on Monday April 29, 2013 at 7:00 P.M. at the Village Hall.
- Training -
 - NYS Urban Forestry Council has a training class coming up if anyone is interested in it. Mayor McAvoy stated we need to look into our trees in the area.
 - Spring 2013 Regional Local Government Workshop is coming up on May 16, 2013. The Zoning Board of Appeals members don't need to attend. The only class that pertains to them would be for two (2) hours and there is not a half day rate. Per Jim Bensley the Senior Planner at Orleans County Planning Board there will be other training the Zoning Board members can attend that will be in Niagara County during evening hours. Clerk-Treasurer Woodworth asked if the Zoning Board members should be appointed to a five (5) year term since Zoning Board Chairman Carla Woodworth was. The Board decided that would be best but opted to wait on the change in the term so that the members five (5) year terms would be staggered.
- SBA Communications Corporation is interested in a buyout on the cell tower at 246 West Avenue. They are offering a one-time lump sum payment of \$200,000.00 or a partial pre-paid rent buyout for \$100,000.00. With the partial buyout they would buy one-half of our rent for a lump sum and we would receive the rest with our escalations for the next 55 years. Trustee Whipple stated he wasn't in favor of selling anything at this point in time. Mayor McAvoy agreed.

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- Capital Project – Change Order # 1 for John W. Danforth Company – Credit to provide stainless steel ducts in lieu of the specified fiber reinforced plastic.

RESOLUTION NO 2013-23

CHANGE ORDER #1 – JOHN W. DANFORTH COMPANY

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, to accept Change Order #1 for John W. Danforth Company, credit to provide stainless steel ducts in lieu of the specified fiber reinforced plastic.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

- New PC for the Code Enforcement/Police – Bill Belson advised Clerk-Treasurer Woodworth he would be able to obtain a new PC (tower) for at least \$1,000.00. Mr. Belson doesn't recommend spending any less than \$1,000.00.

RESOLUTION NO 2013-24

PURCHASE A NEW PC (TOWER) FOR CODE ENFORCEMENT/POLICE

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to have purchase and install a new PC (tower) for Code Enforcement/Police not to exceed \$1,000.00.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

- Purchasing Gun Agreement – Mayor McAvoy stated that Officer Riemer was looking to get the same type of pistol that Orleans County uses. Officer Riemer has the gun being held at a gun dealer. The cost for the gun is \$600.00 and Officer Riemer will repay the Village by payroll deductions. Attorney Schubel stated he could draft up an agreement to repay. Mayor McAvoy stated he doesn't want the Village linked to a gun, we don't have a pistol permit and whose background check would be used for the purchase. Trustee Whipple suggested making the \$600.00 payable to Officer Riemer and then he can go purchase the gun from the dealer. Attorney Schubel stated that would be fine. Clerk-Treasurer Woodworth stated she preferred to get the State Comptroller's opinion before any check is cut. Trustee Whipple expressed he was ok to go forward with a purchase gun agreement but not to process a check until the agreement had been executed with Officer Riemer.

RESOLUTION NO 2013-24

PURCHASE GUN AGREEMENT

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk, to authorize the purchase of a hand gun not to exceed \$600.00 with the payment to be made payable to Officer Riemer once Officer Riemer has executed the repayment agreement, given that Attorney Schubel and Clerk-Treasurer Woodworth have confirmed that this purchase is allowable per the State Comptroller's Office.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

- Mayor McAvoy stated we have received one response from one of the participants in the State Comptroller's audit. Per Mayor McAvoy he doesn't see any reason for a discrepancy if the policy was use it or lose it. Superintendent Woodworth did state that they were allowed to carry over up to one week with the Mayor's approval in the past. Mayor McAvoy agreed however there is no proof of approval to carry over anytime off. Clerk-Treasurer Woodworth stated she is working with the State Comptroller's Office for assistance with the Village's response and will work with Attorney Schubel. Attorney Schubel stated there has been no response from Elena.

RESOLUTION NO 2013-26

APPOINTMENTS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to accept the following appointments:

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

Chief of Police	Stephen McAvoy
Sewer (Sanitary & Storm)	Stephen McAvoy
Water Works	Stephen McAvoy
Parking Lots & Streets	Stephen McAvoy
Senior Citizens Rep.	Stephen McAvoy
Youth Rep.	Stephen McAvoy
Police Officer	Robin Riemer
Code Enforcement Officer	Douglas Rue
Attorney for the Village	Webster, Schubel & Meier LLP
Trees	James Tuk
Sidewalks	James Tuk
Street Lighting	James Tuk

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Deputy Mayor	Jim Whipple
Fair Housing Officer	Jim Whipple
Parks & Pond	Jim Whipple
Liaison – Lions Club	Jim Whipple
Clerk-Treasurer	Teri Woodworth
Budget Officer	Teri Woodworth
Historian	Teri Woodworth
Registrar of Vital Statistics	Teri Woodworth
Fire Dept. Records Officer	Teri Woodworth
Records Management Officer	Teri Woodworth
Supt. of Public Works	Terry M. Woodworth
Safety Officer	Terry M. Woodworth
Liaison – Fire Dept	Danny Woodward Jr.
Official Bank	M & T
Official Newspaper	Journal Register
Meeting Night	2 nd Monday of each month, 7:00 p.m. @ Village Hall
Workshops	1 st Wednesday of each month, 7:00p.m. at the Village Hall
Village Engineer	Chatfield Engineers, P.C.

RESOLUTION NO 2013-27
MILEAGE REIMBURSEMENT

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, Cost of Fifty Cents (.50) per mile for Village Officials or Village Employees for the use of their vehicles on Village business.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

RESOLUTION NO 2013-28
PART-TIME AND EMERGENCY HELP PAYRATE

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, Pay rate of part-time labor is \$ 7.25 to \$8.00 until December 31, 2013 then \$8.00 to \$8.75 from January 1, 2014 at the discretion of Supt. of Public Works; rate for part-time labor (emergency) is to be \$10.00 per hour.

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

RESOLUTION NO 2013-29
MEETINGS, CONFERENCES AND CLASSES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, Permission for the Mayor, Trustees, Clerk-Treasurer, Code Enforcement Officer, Supt. of Public Works, DPW Maintenance Workers, Fire Co. Rep. to attend any County meetings, Mayor's Conferences, meetings, schools, workshops and NFAVO meetings

Vote: 5 Ayes (McAvoy, Tuk, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

- Village IT Polices Committee – Trustee Tuk, Trustee Whipple and Clerk-Treasurer Woodworth. The Village's response needs to be back to State Comptroller's Office by the end of May
- Village Employee Handbook Committee – Mayor McAvoy, Superintendent Woodworth, Trustee Tuohey and Clerk-Treasurer Woodworth. The Village's response needs to be back to State Comptroller's Office by the end of May.
- Lyndonville Lions Club – They have obtained everything needed for the permit for the 4th of July and have submitted that to Clerk-Treasurer Woodworth.
- Mayor McAvoy stated he was glad to see a reporter from The Journal Register.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to adjourn the meeting at 8:32 p.m.

Vote: 5 Ayes (McAvoy, Tuohey, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

Teri Woodworth
Clerk-Treasurer