

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, August 12, 2013 at the Village Hall. Meeting opened at 7:01 p.m.

PRESENT: Mayor: Stephen C. McAvoy
Trustees: James Tuk
Ellen Tuohey
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: Deborah Isaacson, Ben Bane, Mattie Zarpentine and Joel Zarpentine

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to accept the minutes of the July 8, 2013 Regular meeting.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR:

- Deborah Isaacson – Read a letter to the Village Board

Good Evening, my name is Deborah Isaacson, I live on South Main Street. I sent letters to the board prior to this evening, and I am here tonight to encourage you to pass a resolution demanding the repeal of the NY SAFE Act. I am a wife, mother, tax payer and voter. I am concerned that the NY SAFE Act infringes upon every law-abiding citizens Constitutional right to bear arms.

According to Article III, Section 14 of our New York State Constitution, “*No bill shall be passed or become a law until it shall have been printed and upon the desks of all members, in its final form, at least three calendar legislative days prior to its final passage, unless the governor, or the acting governor, shall have certified, under his or her hand and the seal of the state, the facts which in his or her opinion necessitate an immediate vote thereon*”. Since the legislature was not scheduled to adjourn for the year, since were not under attack, and since there was not national or man-made disaster, there was no need for the Senate to waive the three day rule. Governor Cuomo himself stated that he rushed the passage of the bill for the specific reason of not wanting citizens to hurry out and buy guns while the legislation was discussed, or at least read, by those voting on it. The only guns purchasers who are going to consider the laws before buying a gun are those who are already law-abiding. It’s not as though criminals were all going to run to the stores to get their hands on some weaponry. It doesn’t matter to them what’s legal to purchase and what isn’t. This so-called SAFE Act does not keep the guns out of the hands of those who may seek to do harm, but rather out of the hands of those who would protect themselves and their families from such harm.

This is not a gun issue. This is not a hunting issue. This is about the government disarming citizens and ignoring our Constitutional rights.

The authors of our nation’s Constitution specifically included the 2nd Amendment in order to protect the American citizenry from an overbearing and unjust ruling class. By the clandestine passage of this act, we are shown precisely how corrupt legislators seek to undermine the rights of the people.

I am the mother of 12 young Americas, one whom is a veteran of the United States Air Force. I want to give my children a love for their country, but how can I do that when our government does not abide by its own rules.

Many counties and towns across NY have come together to support their citizens and their Constitutional rights by demanding this legislation be fully repealed. It would be a proud moment for the residents of the Village of Lyndonville to be added to that list.

Thank you

- Mayor McAvoy noted that someone he knows approached him regarding repealing the NY SAFE Act as well. Mrs. Isaacson and Mattie Zarpentine supplied the Board with sample resolutions to repeal the NY SAFE Act as well as a map showing all the municipalities in New York State that have repealed it as well. Attorney Schubel was asked by the Board to review the sample resolutions and prepare a resolution for the September Board meeting. Mayor McAvoy thanks Mrs. Isaacson and Ms. Zarpentine for their time and the information they provided.

USE OF FACILITIES

- Nothing

Report – Fire Chief Gerety

- YTD calls – 135, MTD calls – 21 (8 – EMS in Town, 5 – EMS in Village, 1 – MVA in Town, 1 – Hazardous Condition, 1 – Automatic Alarm, 1 – M/A FAST to Medina, 1 – M/A FAST to Barker and 1 – Vehicle Fire)
- New Applicant – Craig Stalker – Has been approved by the Fire Dept Board of Directors and their background checks came back clean. Clerk-Treasurer Woodworth has completed the driver’s license check and Mr. Stalker is approved to drive.

RESOLUTION NO 2013-67

NEW MEMBER OF THE LYNDONVILLE FIRE DEPARTMENT

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to approve Craig Stalker as a new member to the Lyndonville Fire Department.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

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- Chief Gerety inquired if the Village would be interested in doing a defensive drivers course for the Fire Department and all Village Employees like they had done before. Mayor McAvoy stated we would like to find something better than the AARP course that was given prior. Chief Gerety stated his personal auto insurance company wouldn't accept the course for a reduction in his insurance. Trustee Tuk stated he completed an online defensive driver's course and he would provide Board with the website information.
- Chief Gerety stated the Gun Raffle will be next Saturday, August 24, 2013. Mayor McAvoy confirmed the Fire Department was all set with all the required permits that were needed for the Gun Raffle. Chief Gerety confirmed the Fire Department has received the Bell Jar/Games of Chance license as well as their food permit from the County.
- Ben Bane asked if there were any changes in the Lyndonville Fire Department By-laws. Attorney Schubel advised the Fire Department should add the Village Board as ones to approve on any changes.

RESOLUTION NO 2013-68

LYNDONVILLE FIRE DEPARTMENT BY-LAWS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to approve the Lyndonville Fire Department By-Laws with the change of adding the Village Board for approval on any changes.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Ben Bane would like the Village Board's approval on adding two new junior fire fighters Elizabeth Pickle and Catherine Worrells.

RESOLUTION NO 2013-69

NEW JUNIOR MEMBERS OF THE LYNDONVILLE FIRE DEPARTMENT

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to approve Catherine Worrells and Elizabeth Pickle as new junior members to the Lyndonville Fire Department.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Mayor McAvoy stated he sent out an email about a month ago looking to schedule a meeting with the Village Board, Town of Yates and the Fire Department to discuss the Fire Department's request for a new fire truck. Chief Gerety stated any time is good for him after 7:00pm, except for Mondays and Tuesdays. Chief Gerety would like Wes Bradley to attend the meeting as well. Chief Gerety stated that turn out gear is going to need to be replaced as well, that turn out gear is only good for 10 years. Mayor McAvoy stated that there are grants available for that as well. Chief Gerety stated that FEMA grants are impossible to get.
- Mayor McAvoy stated that the Board would need to give approval for the Gun Raffle Fundraiser. Trustee Tuk inquired if the Fire Department sells 750 tickets at \$20.00 each that would be \$15,000.00 in ticket sales. What do you expect the overall profit to be from the event? Chief Gerety stated it all depends, one year they made \$4,000.00, one year \$8,000.00 and another year only \$2,500.00. Clerk-Treasurer Woodworth asked if the Fire Department completes the Financial Statement of Games of Chance after the Gun Raffle, as a copy needs to be filed with the Village and NYS as well as a portion of the proceeds sent in. Chief Gerety stated he was sure it was being done. Clerk-Treasurer Woodworth stated she would need a copy of the reports back to 2005.

RESOLUTION NO 2013-70

LYNDONVILLE FIRE DEPARTMENT GUN RAFFLE FUNDRAISER

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to approve the Lyndonville Fire Department's Gun Raffle on Saturday, August 24, 2013.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

Report – Code Enforcement Rue

- Absent

Report – Attorney Schubel

- Nothing
- Trustee Tuk inquired regarding the proposed Brush and Tree removal Local Law, is 150 feet from the right of way correct? In some cases that could be a whole lot for some residents. Attorney Schubel stated yes that is correct.
- Superintendent Woodworth asked Attorney Schubel on the Lawn Maintenance Local Law does the whole lot have to be mowed? He referred to Bowman's on West Avenue who owns a field and they only maintain just a portion of it. Attorney Schubel stated they need to mow the whole lot. Superintendent Woodworth stated that would be a huge expense to the Village to get into mowing of these properties that are not maintained. Some of the yards that are abandon are not even accessible. Attorney Schubel stated the Village should set a charge back fee that would be worthwhile if the Village had to mow. And the charge back fee needs to be set by resolution.
- Attorney Schubel was asked to draft a Local Law to increase the Availability charge by \$5.00, a Local Law for Tree's, a Local Law for Water Shut offs due to non-payment, and a Local Law for Law Maintenance. The public hearings will be September 9, 2013, and Attorney Schubel will handle publishing in the newspaper.

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Report – Clerk-Treasurer Woodworth

- KVS – Proposal to bring KVS in-house and get off the cloud. The cost for the remote installation is \$695.00 plus \$348.00 to install KVS on the Mayor’s PC. The \$348.00 is after a 50% discount. If the Board was to decide to bring KVS in-house this would save the Village approximately \$1,232.00 annually. If KVS is not installed on the Mayor’s PC then it would be a savings of \$1,580.00 annually.

RESOLUTION NO 2013-71
KVS – IN-HOUSE INSTALLATION

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to have KVS be brought in-house and to have KVS installed on both the Clerk-Treasurer Woodworth’s PC and the Mayor’s PC.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Building Permit Applications – Clerk-Treasurer Woodworth received an invoice for the Building Permit Applications that were ordered in April of 2012. The company had been trying to mail the invoice to the Village for over a year, they had the wrong address. Clerk-Treasurer Woodworth spoke to Ken from the, The Print Shop regarding several corrections that should have been made prior to printing the Building Permit Applications. Ken offered to have the Village supply him the corrections and he would print 200 corrected copies and bill the Village at that point and was willing to forget about the invoice the Village just received. Clerk-Treasurer Woodworth noted that Code Enforcement Rue, Trustee Tuk and Superintendent Woodworth have reviewed the Building Permit Application and marked any necessary changes.
- Clerk-Treasurer Woodworth confirmed the Board received the Code Enforcement and Police reports via email.
- Vouchers – Abstract A12-3 #873 & #878 to be paid

General	\$ 2,620.40
Water	\$ 0.00
Sewer	\$ 0.00
Capital	\$ 0.00
Grand Total	\$ 2,620.40

RESOLUTION NO 2013-72
VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk, to have Clerk-Treasurer Woodworth to pay Abstract A12-3 Vouchers #873- #878.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Vouchers – Abstract A3 #859 – #932 to be paid

General	\$ 18,818.21
Water	\$ 9,118.76
Sewer	\$ 26,059.24
Capital	\$ 8961.20
Grand Total	\$ 62,957.41

RESOLUTION NO 2013-73
VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk, to have Clerk-Treasurer Woodworth to pay Abstract A3Vouchers #859- #932.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

Report – Superintendent Woodworth

- Sidewalks – Superintendent Woodworth would like the Board’s approval to put out for bid some sidewalk work to be done on Maple Avenue. Trustee Tuk and Superintendent Woodworth have completed the annual sidewalk survey and Maple Avenue needs some work.

RESOLUTION NO 2013-74
SIDEWALK BIDS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to approve Superintendent Woodworth to put out for bid some sidewalk work.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Excess/Junk Equipment – Superintendent Woodworth would like to contact Teitworth Auctions to see if they can sell the Street Sweeper and the Generator that was declared surplus. Trustee Tuk inquired if Teitworth were not able to sell the items could be dispose of them as scrap metal sales? The Board was ok with that.

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- Orange Fence by the Dam – Superintendent Woodworth obtained a quote from Fox Fence to put up a 6 foot high fence approximately 105 feet long by the Dam, the quote was \$2,228.00. Superintendent Woodworth was concerned about the quote considering the DPW would be supplying the chain link fence. Superintendent Woodworth will contact the NYS Dam Erosion folks and see if there is anything they can do to help. Superintendent Woodworth noted he knows NYS didn't like Chatfield's idea with fabric and stones.
- DuPont can't take their water to the Niagara Falls Waste Water Treatment Plant as it flooded. So they will be getting another holding tank for now.
- Town of Yates would like to get a shed for an electronics recycling center. They would like to have the shed place at the DPW. There will be no handling by the DPW. The DPW will open the building in the morning and lock it up at the end of the work day. The Town of Yates was wondering if the Village would be willing to split the cost of the shed, the cost is approximately \$2,000.00 to \$2,400.00. And the Town is willing to let the Village keep the \$0.01 per pound that recycling center will give for the materials turned in. The Board is in favor of obtaining a shed for electronic waste.
- Dump Site – Superintendent Woodworth reported someone has disposed of the fence and building materials at the dump site behind the DPW. Superintendent Woodworth had his summer help clean everything up, and he's asked Officer Riemer to watch the area more. The Dumping sign is in place and it "hits" you in the face when you go back to the dump. The Board discussed putting camera's up at the dump site to try to catch violators.
- Tree Quotes – Superintendent Woodworth obtained two quotes to have a tree at 240 North Main taken down and stump removed and to trim up a tree 80 South Main Street. He noted in the past tree's in the right of way were taken down by the County, now he's being told they are in the Village's responsibility. Orleans Co. Tree Service quoted \$500.00 for each tree and Top Notch Tree Service quoted \$550.00 for one and \$575.00 for the other.

RESOLUTION NO 2013-75

TREE REMOVAL & TRIMMING

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to approval the removal of a tree at 240 North Main Street and trimming of a tree at 80 South Main Street but not to exceed \$1,000.00.

Vote: 4 Ayes (McAvoy, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Waste Water Treatment Plant upgrades are all done.

Report – Trustee Tuohey

- Trustee Tuohey spoke with Senator Maziarz and there is nothing he can do regarding the PennySaver Markets its officially in bankruptcy now.
- Trustee Tuohey inquired what is going to be used to plow the sidewalks this year. Superintendent Woodworth stated he was looking into some equipment for that.

Report – Trustee Tuk

- Trustee Tuk stated we need to get the 2012-2013 books closed now that we have the last bills from the Fire Department.
- Trustee Tuk added we need to get the audits complete for 2010-2011, 2011-2012 and 2012-2013.
- Trustee Tuk inquired as to where the Village stood with the Lake Avenue ball fields. At one point the Board discussed looking to selling the property off to be developed into additional housing within the Village. Mayor McAvoy asked Clerk-Treasurer Woodworth if she could contact an investor to see what could be done with the property.
- Trustee Tuk stated he would like to see the SBA lease extended to 2053 instead of taking a lump sum payout.

Report – Trustee Woodward Jr.

- Trustee Woodward Jr. inquired about Orleans County Sherriff's department installing a laptop in the Village's Police car. Clerk-Treasurer Woodworth advised that originally Orleans County was going to install an old laptop into the car and when the car was taken over for photographs to start the process was when the Village was informed it would cost around \$2,000.00 to have the laptop installed. Orleans County stated that all the old laptops have been used up. Clerk-Treasurer Woodworth also added that we did not budget for this expense as we were under the impression there would be no cost. The Board decided to hold off on the installation at this point.
- Superintendent Woodworth stated he spoke with Mr. Pucher from the Lyndonville Lions Club and the Lions Club will be paying for the all the signage that had to be special ordered for the 4th of July celebration to comply with New York States new parade requirements.

Report – Mayor McAvoy

- Mayor McAvoy read a letter from the Lyndonville Lions Club thanking the Village for their contribution towards the 4th of July celebration as well as their hard work in preparation for the event.
- Mayor McAvoy stated that Chuck Covell is interested in joining the Village Board. Mayor McAvoy will ask Mr. Covell to come in and meet with the Board.

OLD BUSINESS:

- Overpayment of Prior Clerk-Treasurer – The Village received a letter from Elena Ames stating she wasn't able to make payments at this time due to she's unemployed. The Board would like Attorney Schubel and Mayor McAvoy to work out an agreement with Ms. Ames.

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NEW BUSINESS:

- **NYCOM – Municipal GRT Audits –
NYCOM USA Program Now Includes Municipal GRT Audits**

Nearly two years ago, NYCOM forged a partnership with Computel Consultants and introduced the *NYCOM USA* program. *NYCOM USA* is a no-risk “Utility Savings Audit” program that identifies, corrects, and secures refunds for overcharges on telecommunications, electric and natural gas bills. In addition, the program offers a cable franchise fee audit that will secure franchise fee underpayments, while also advising municipalities on how to maximize franchise fee revenue and assisting in the cable franchise renewal process.

We are happy to announce that there is now a new component to the program – municipal GRT audits. If your city or village currently imposes a Gross Receipts Tax on telephone and utility companies doing business within your borders, you know how hard it can be to verify that you are receiving all the money you are due. With a GRT audit, underpayments will be secured and companies that aren’t paying will be brought into compliance, increasing future revenues.

All *NYCOM USA* audits are offered at a discounted contingency fee rate to NYCOM members. The fee for the GRT audit is a one-time 45% of any monies recovered, with all refunds going directly to the municipality. Fees are not due until after you receive your money. If no money is recovered, there is no charge for the service. If you combine the GRT audit with any of the other cable/utility audit services offered by *NYCOM USA*, the fee will be only 40% of any recoveries (which is similar to the fee that is currently charged for utility and cable franchise fee audits). Furthermore, any municipality that has already participated in the *NYCOM USA* Program will receive the 40% fee for the GRT audit.

It is also worth noting that, in most cases, after an error is discovered and a refund is issued, correcting the error will produce ongoing financial benefits in the form of lower utility bills or increased cable franchise fees and GRT payments. Unlike many other companies, with *NYCOM USA*, there is never a fee tied to future benefits – all future savings and/or increased revenues are kept by the municipality.

Since *NYCOM USA* was established, more than 70 NYCOM member municipalities have taken advantage of telephone, gas, electric, street lighting, and cable audits. Nearly all have benefited from a combination of refunds of prior overcharges, collection of previously underpaid cable franchise fees, reduced future utility expenses, and increased future revenues.

NYCOM USA audits are performed by Computel Consultants of Earlville, New York. Computel has been a leader in this field in New York State since 1989 and has worked almost exclusively with municipal governments for the past fifteen years.

Signing up online is easy – see the [Utility Savings Audit link](#) under the Services menu on the NYCOM website, or contact Computel directly through their website – www.computel-consultants.com – or by phone at (800) 724-9859.

The Board would like to look into the NYCOM Municipal GRT audits further.

- **Complaint – Speeding on Main Street –** Clerk-Treasurer Woodworth received a written complaint from Rhonda McKinney regarding speeding on Main Street. Clerk-Treasurer Woodworth has asked Officer Riemer to spend some more time on South Main Street to try to slow traffic down.
- **Training – NYSGFOA – Governmental Accounting Essentials,** NYSGFOA was willing to let the Board members attend at the member rate of \$240.00 each. Mayor McAvoy stated forget it, it’s too expensive.
- **Mayor McAvoy noted that former Mayor Fred Large has passed away.** He was well loved and known in the Town and Village. Mayor McAvoy stated he ordered flags to be flown at half staff on all Village property Monday, August 12, 2013 in honor of Mr. Large. Trustee Tuohey noted that Mr. Large was a well known teacher. Superintendent Woodworth added Mr. Large’s name is on the plaque at the Village Hall and Waste Water Treatment Plant.

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to adjourn the meeting at 8:58 p.m.

Vote: 4 Ayes (McAvoy, Tuk, Whipple, Woodward Jr.); 0 Nays; 0 Abstain

Teri Woodworth
Clerk-Treasurer