

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, December 10, 2012 at the Village Hall. Meeting opened at 7:00 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 - Excused
Code Enforcement Officer
Attorney David Schubel
Fire Chief Jason Gerety
Public:

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Whipple, to accept the minutes of the November 12, 2012 meeting.

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

PRIVILEGE OF THE FLOOR:

- Nothing

USE OF FACILITIES

- Nothing

Report – Fire Chief Gerety

- YTD calls – 223, MTD calls – 12 (6 – EMS in town, 2 – Fire in town, 2 – CO Detectors, 1 – Mutual Aid to Ridgeway, 1 – Mutual Aid to Carlton)
- Fire Department Elections (effective January 1, 2013)
 - Fire Chief – Jason Gerety Assistant – Mike Heideman
2nd Assistant – Scott Buffin
 - Fire Captain – Danny Woodward Jr. EMS Captain – Tina Wooley
Fire Police Captain – Harold Scribner
 - Chaplin – Wes Bradley
 - President – Melissa Buffin Vice President – Greg Schuner
Secretary – Anna Schuner
Treasurer – Jim Wells
- No issues with any trucks or equipment
- Trustee Whipple congratulated Chief Gerety and Trustee Woodward Jr. on their winning the elections
- Trustee Tuk commented on the electronic sign being back in place at the Fire Hall. Trustee Tuk inquired if the LFD would be able to advertise about Village Board meetings on the sign. Chief Gerety will consult with members at their next meeting but he was sure it wouldn't be a problem. Stated its just learning how to use the program.
- Santa Claus will be riding around town on Friday, December 21, 2012 at 7:00pm

Report – Code Enforcement

- Nothing

Report – Attorney – Schubel

- Nothing

Report – Clerk-Treasurer Woodworth

- NFAVO – Decided to continue the organization but to do away with officers.
- NYCLASS – Governing Board of Elections will be coming via email this week. The Board will need to decide who to vote for.

RESOLUTION 2012-93

NYCLASS GOVERNING BOARD OF ELECTIONS

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, to have Mayor McAvoy to cast a vote for the NYCLASS Governing Board on behalf of the Village Board.

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

- Training
 - NYCOM Village Election Workshop is coming up, its \$60.00 per person.
- Bookkeeper Update – Walt Gaesser is still trying to straighten out prior bookkeepers work. No date yet as to when we will have final figures for KVS or the AUD done.

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- Payroll Vouchers – Clerk-Treasurer Woodworth is starting a new process with auditing the Payroll Vouchers for Union Dues, Deferred Comp and NYS Retirement. Trustee Tuohey audited from August 1, 2012 to current. We will be done monthly going forward.
- USDA Rural Development – Debited the Village’s account for \$5,409.00 in error they will be crediting back in the next 10 days.
- IRS – The first quarter of 2012 was never filed by the prior bookkeeper. Clerk-Treasurer Woodworth reached out the IRS to inform them of the missed filing and a missed payment. Clerk-Treasurer Woodworth filed the return and made the payment that day. We received notice on December 10, 2012 that the filing and payment were received and the Village was assessed a penalty of \$540.18 however due to Clerk-Treasurer Woodworth being proactive the IRS has waived the penalty.
- New York State Archives – Grants available for records management
- Orleans County has sent the updated mortgage tax distributions
- Complaint – Residents of Lakeshore Road are complaining cars and school buses are going too fast on Main Street. Clerk-Treasurer Woodworth has a call in to Superintendent Jason Smith to inform him regarding the buses. Superintendent Woodworth discussed with them their request for signs in the middle of the street.
- Water/Sewer Program – Prior Clerk’s were not utilizing the program correctly. Some customers have been over charged.
 - 261 North Main Street – Was not receiving his bill as the prior clerk had a billing 2 address in the system. Therefore the bill was going to the prior owner. Clerk-Treasurer Woodworth explained to the customer the error and would request that the \$12.71 be waived for the Village’s error in shipping.

RESOLUTION 2012-94

WAIVE PENALTY FOR 261 NORTH MAIN STREET

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to waive the \$12.71 penalty for 261 North Main Street due to the Village’s error in the shipping address.

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

- 1566 North Lyndonville Road – The prior Clerk’s missed charging the prior owner the \$50.00 shut off fee. And the new owner has been charged for four quarters of \$41.70 when the water was turned off. The new owner has requested that \$166.80 be refunded back to him instead of offsetting his current bill.

RESOLUTION 2012-95

OVER PAYMENT FOR 1566 NORTH LYNDONVILLE ROAD

ON MOTION of Trustee Whipple, seconded by Trustee Tuk to pay back \$166.80 to Joan Whittier for the overbilling for water.

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

- Clerk-Treasurer Woodworth stated there are two other customers that she believes were billed for four quarters at the minimum for water/sewer and the services were shut off. Clerk-Treasurer Woodworth is researching with Superintendent Woodworth.

Report – Superintendent Woodworth

- Nothing - Excused

Report – Trustee Tuohey

- Will be working with Mayor McAvoy on December 11, 2012 at 11:30 on the Village’s website

Report – Trustee Tuk

- Lake Ontario – The lake level is at a 50 year low. The Village will be in trouble if it drops any lower with our gravity feed water system. Trustee Tuk would like to talk to Superintendent Woodworth when he returns on the Village’s emergency plan to hook up to Niagara County. We do have a vault on Lynwood Drive not being used. Chatfield Engineers are discussing with the Superintendent Woodworth. Trustee Tuk would like to make sure we have a working agreement with Niagara County. Trustee Whipple receives email from the Corps of Engineers about forecasted lake levels he will forward them to Superintendent Woodworth.
- We have extra monies that need to be spent on the Sewer Plant improvements. We will be working with Superintendent Woodworth on what’s needed.
- Trustee Tuk inquired if anyone has heard anything on the old Crosby-Whipple building. No one has heard anything.

Report – Trustee Whipple

- Nothing

Report – Trustee Woodward Jr.

- Nothing

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Report – Mayor McAvoy

- Water Plant upgrade is done, Suburban Electric will be finishing up electrical work so we should be online soon.
- Trustee Tuk stated that the railroad timbers sold for \$350.00 and have been removed.
- Trustee Tuk stated that Paul Chatfield is working on new water rates for the Town of Yates and Village water agreement.
- A889 Account – Mayor McAvoy is looking into

OLD BUSINESS:

- Code Enforcement – Mayor McAvoy met with Linda Woolston from Carlton and Doug Rue from Medina. Mayor McAvoy recommended that we hire Doug Rue as the Village’s Code Enforcement Officer. Trustee Whipple would like to see all municipalities go to county wide code enforcement. Mayor McAvoy will work out the rate of pay with Doug and the terms of his employment. Currently Code Enforcement’s hours will be 4 hours per week with no paid leave of absences. Mayor McAvoy will speak with Linda Woolston about being our backup Code Enforcement Officer.

RESOLUTION NO 2012-96

CODE ENFORCEMENT OFFICER

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk to hire Doug Rue as the Village’s Code Enforcement Officer.

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

- Trust & Agency Account at M&T Bank – Needs to stay open the account is used for water meter deposits for residents outside of the Village limits. Clerk-Treasurer Woodworth will transfer \$50.00 from the Water Fund to the Trust & Agency account for an error from a prior clerk.

RESOLUTION NO 2012-97

RESCIND RESOLUTION NO 2012-90

BANK RESOLUTION

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to rescind closing the Trust & Agency account with M&T Bank.

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

NEW BUSINESS:

- Accident & Health Policy for the LFD – The Hartford is not longer writing Accident & Illness polices. Tompkins Insurance obtained a new quote from Provident with three different plans. Plan 1 is equal to the Hartford’s plan plus some extra coverage and the annual premium is \$554.00. Plan 2 and Plan 3 have a lot more cover for much higher premiums.

RESOLUTION NO 2012-98

ACCIDENT & HEALTH POLICY WITH PROVIDENT

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, to accept Provident’s Accident & Health Plan 1 for the Lyndonville Fire Department to start effective December 1, 2012.

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

- Budget – We are still working with Walt Gaesser to get the correct final figures into KVS.
- Audit – Until Walt Gaesser has final figures and the AUD done we can’t have Toski & Co., P.C. complete our 2011-2012 audit.
- Zoning Board of Appeals – Carla Woodworth needs to be reappointed because she wasn’t given the oath of office within 30 days when she was originally appointed in 2011. Mayor McAvoy to speak with Patrick McKenna as he didn’t complete the required training.

RESOLUTION NO 2012-99

ZONING BOARD OF APPEALS

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk, to reappoint Carla Woodworth to the Zoning Board of Appeals and have her take the oath of office within 30 days.

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

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- Vouchers – # 289 – # 354 to be paid

General	\$ 50,566.42
Water	\$ 6,385.71
Sewer	\$ 4,836.32
Capital	<u>\$128,195.10</u>
Grand Total	\$189,983.55

RESOLUTION NO 2012-100
VOUCHERS TO BE PAID

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth to pay Vouchers 289- 354.

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

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, to adjourn the meeting at 7:59 p.m.

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

Teri Woodworth
Clerk-Treasurer