

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

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

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to accept the minutes of the June 10, 2013 Regular meeting with the correction on page 5 to say “regarding water service shut off’s at the July 8, 2013 Board meeting.”.

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

**PRIVILEGE OF THE FLOOR:**

- Nothing

**USE OF FACILITIES**

- Lyndonville Area Foundation. – Use of the Village Hall Conference Room October 16, 2013, January 15, 2014, April 16, 2014 and June 18, 2014 for Board meetings.
- Yates Community Library – Use of Vets Park on August 12, 2013 at 6:30pm for a concert in the park by Stoll Brothers Band. Estimated attendance of 100.

**RESOLUTION NO 2013-52**

**USE OF FACILITIES – LYNDONVILLE AREA FOUNDATION AND YATES COMMUNITY LIBRARY**

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to approve the Lyndonville Area Foundation for use of the Village Hall Conference Room on October 16, 2013, January 15, 2014, April 16, 2014 and June 18, 2014 for Board meetings and the Yates Community Library for use of Vets Park on August 12, 2013 at 6:30pm for a concert in the park by Stoll Brothers Band.

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

**Report – Superintendent Woodworth**

- Excused
- Mayor McAvoy stated that the DPW has lost the box van as it will no longer pass inspection, so we’ll be looking to replace it.
- WWTP – Mayor McAvoy stated things are going well at the WWTP. Trustee Tuk added that Superintendent Woodworth talked about having the sludge pumps replaced. Also that pump stations are frequently dropping signal so that is being looked into.

**Report – Fire Chief Gerety**

- YTD calls – 114, MTD calls – 11 (6 – EMS in Town, 1 – EMS in Village, 2 – Automatic Alarm, 1 – CO Detector and 1 – M/A FAST to Medina)
- No calls on the 4<sup>th</sup> of July
- New Applicants – Tylor Heideman and Elizabeth Pickle (Junior Firefighter) - They been approved by the Fire Dept Board of and their background checks came back clean. Chief Gerety has given the driver’s license check forms to Clerk-Treasurer Woodworth.

**RESOLUTION NO 2013-51**

**NEW MEMBERS OF THE LYNDONVILLE FIRE DEPARTMENT**

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to approve Tylor Heideman and Junior Firefighter Elizabeth Pickle as new members to the Lyndonville Fire Department pending the approval from Tompkins Insurance on the driver’s license check.

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

- Lyndonville Fire Department Bylaws have been updated and approved by the Board of Directors. The changes involved adding approximately two pages to the bylaws. Trustee Whipple asked what the requirements were for the Junior Firefighters. Mr. Bane stated that there are grade requirements that the Junior Firefighters have to meet. Attorney Schubel will review the bylaws before they can be approved at the next Board meeting.
- Chief Gerety received a call from Grant Pollard requesting he do a chimney and fire place inspection. Chief Gerety was under the impression that the inspection would need to be done by Code Enforcement as he’s not certified to do inspections. Chief Gerety referred to Town of Yates Code Enforcement Wolfe since the property is

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located on the lake front. Code Enforcement Wolfe refused and stated that Chief Gerety would need to do the inspection. Chief Gerety just wanted clarification that Code Enforcement Wolfe should be doing the inspection. Mayor McAvoy advised yes that is correct.

- Pumper Lyndonville 10's tank is leaking. Chief Gerety stated it definitely needs to be replaced as well as Lyndonville 66. The Fire Department has received a quote from a sales representative on a new fire truck that would replace the two trucks. The sales representative stated it would be very expensive to replace the tank on Lyndonville 10 with a poly tank. Trustee Whipple stated he knows it's a steal tank, but can't the steal tank be relined? Mayor McAvoy stated it wouldn't be cheap. Chief Gerety and Trustee Woodward Jr. stated it takes about a year to have the truck built. Trustee Woodward Jr. explained it would save on expenses with replacing Lyndonville 10 and Lyndonville 66 with the new truck. Trustee Tuk noted we've talked about this before, and inquired as to how much the quote was for. Chief Gerety stated the quote for the new fire truck was \$450,000.00. Trustee Woodward Jr. stated that Spencerport Fire Department purchased a new truck for \$350,000.00 and for the same truck three years later is now \$500,000.00. Clerk-Treasurer Woodworth confirmed that Chief Gerety and Trustee Woodward Jr. received the Village's Procurement Policy and that this type of purchase would have to be put out to bid. Chief Gerety asked what if they only received one bid. Attorney Schubel stated the specs have to be written so that more than one company can bid on it, but if only one bid comes in that's okay. Chief Gerety stated that the other pumper that was purchased in 2001 has 10,000 miles on it and it was a state bid truck. Trustee Woodward Jr. asked where do we go from here. Mayor McAvoy stated we would need to look into it and see what funding is available. Mayor McAvoy stated that the Village took out a bond for Lyndonville 31 and that was paid off in 2011. Trustee Whipple stated that the State is in the funding mode for CFA, with community development grants. Attorney Schubel advised that the Village might want to reach out to Jeff Smith from Municipal Solutions. Mayor McAvoy stated unless we are able to find funding for the new truck we are in trouble.

**Report – Code Enforcement – Rue**

- Absent

**Report – Attorney – Schubel**

- IT Agreement with WRB Graphics (Bill Belson) – Attorney Schubel has a call into Mr. Belson to clarify a few things before approving the agreement.

**Report – Clerk-Treasurer Woodworth**

- Working on quotes for fixed assets audit.
- Received the new program to get started with the new Village of Lyndonville website.
- Vouchers – Abstract A2 #801 – #853 to be paid

General	\$ 10,541.36
Water	\$ 5,758.95
Sewer	\$ 2,578.52
Capital	\$ 14,979.05
<b>Grand Total</b>	<b>\$ 33,857.88</b>

**RESOLUTION NO 2013-53**  
**VOUCHERS TO BE PAID**

**ON MOTION** of Trustee Whipple, seconded by Trustee Tuk, to have Clerk-Treasurer Woodworth to pay Abstract A2 Vouchers #801- #853.

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

- Dival Safety & Supplies Corp – Chief Gerety had an invoice for \$125.72 for oxygen supplies that was due April 30, 2013 that was never brought to Clerk-Treasurer Woodworth. Clerk-Treasurer Woodworth would like authorization to process a voucher and pay the bill as the account is already past due.

**RESOLUTION NO 2013-54**  
**VOUCHERS TO BE PAID**

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth to process a voucher and pay Dival Safety & Supplies Corp for the past due bill.

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

**Report – Trustee Tuk**

- Nothing

**Report – Trustee Whipple**

- Gave letter of resignation effective August 7, 2013.
- Thanked Superintendent Woodworth and his staff for a great job on the Village for the 4<sup>th</sup> of July celebration.
- Trustee Tuk stated that he was reading the 4<sup>th</sup> of July sponsor sheet at the school and the Town of Yates and the Village of Lyndonville are not listed on the sheet as sponsors.

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- Clerk-Treasurer Woodworth asked Trustee Whipple if the Lions Club would be willing to contribute toward two bills that the Village incurred for signs that were required for the new New York State Parade regulations. Trustee Whipple asked Clerk-Treasurer Woodworth to send him copies of the invoices and he will present them to the Lions Club.

**Report – Trustee Woodward Jr.**

- Nothing

**Report – Trustee Tuohey**

- Absent

**Report – Mayor McAvoy**

- Nothing

**OLD BUSINESS:**

- OSC – Leave Time Benefits –
  - **TYPES OF VILLAGE EMPLOYMENT**

To remain in accordance with New York State Retirement Regulations, the Village of Lyndonville recognizes a full-time employee as one who works at least 40 hours per work for a minimum of fifty-two (52) consecutive weeks. A full time part time employee is an employee who works on a scheduled basis for at least (20) hours per week but not more than (40) hours per week for a minimum of fifty-two (52) consecutive weeks.

Several types of positions may be held while employed by the Village.

They are as follows:

**Elected Officials:**

Mayor	4 year term
Village Board Members	4 year term

**Appointed Position:**

Superintendent of Public Works	1 year term
Village Clerk-Treasurer	4 year term coincides with term of Mayor

**Employee Position (Full + Part-time)**

Department of Public Works	Full time
Laborer	Part time
Seasonal Laborer	Part time
Code Enforcement	Part time
Police Officer	Part time

- Each new employee will be required to fill out an application for employment.
- Each new employee will be required to fill out the Orleans County self-Insurance physical examination questionnaire.
- All new employees (non-elected) shall be classified as a probationary employee for the first year of his/her employment.
- A probationary employee's (non-elected) ability may be reviewed at any time by the Village Board. If determined necessary the Board may terminate the employee at that time. At the end of one year, the Village Board will make a final review and if the employee is accepted, he/she will receive a permanent appointment.

- **Timekeeping Requirements**

Weekly time sheets shall be used by all employees (non-elected). These sheets shall be submitted to the Supervisor for review and signature; the Village Clerk-Treasurer and Superintendent of Public Works time sheets shall be submitted to the Mayor for review and signature as prescribed by the Village Board. All time sheets shall be submitted to the Village Clerk for auditing by the Mayor and the Village Board.

- **EMPLOYEE BENEFITS**

**Vacation Days:** All permanent full time employees who have been continuously employed by the Village shall be entitled to vacation with pay earned on a fiscal basis in accordance with the following schedule:

Each full time employee as of June 1<sup>st</sup> shall be granted vacation as followed:

- 2 weeks for 1 to 4 years of employment
- 3 weeks for 5 to 14 years of employment
- 4 weeks for 15 years or more of employment

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- Vacations earned during one fiscal year shall not become the property of the employee and shall not be taken or paid until the commencement of the next fiscal year.
- Vacation days must be taken during the fiscal year received or they will be lost. Up to a total of five (5) vacation days may be carried over to March 1st of the next year with Mayor approval, accumulated vacation pay not taken shall be forfeited.
- In the event an employee who has not taken his/her vacation, terminates his/her services or is terminated, his/her vacation credits accumulated in the past fiscal year and unused during that year shall be liquidated by payment in check at the time he/she terminates his/her employment or is terminated by his or her employer.
- A probationary employee shall be granted vacation as above, but this may not be used until the employee receives a permanent appointment. The granting of vacation shall be consistent with the above guidelines.
- Vacations shall be taken by the employee and paid by the employer on the basis of his/her applicable work day, and paid at the employee's current rate of pay.
- The department head will approve all vacations prior to being taken.
- The Mayor will approve vacation time for all department heads.
- An employee who has been granted a vacation of 1 full week or more, may, with two week advance written request to the Village clerk, receive his/her vacation pay, which will then be paid to the employee on the last work day prior to the commencement of the vacation.
- **Requests for vacation time must be submitted to the employer at least two (2) weeks prior to the date requested.**

**Sick Days:** Each permanent and probationary employee shall earn one (1) day of paid sick leave for each month of employment.

- Sick leave may be accumulated to a maximum of one hundred and twenty (120) days. The Superintendent of Public works and the Village Clerk may accumulate sick time to a maximum of one hundred and fifty (150) days.
- In the event an employee is not able to report to work due to illness, the department supervisor must be notified by phone.
- A doctor's certificate must accompany an employee's absence from work for more than four (4) consecutive days.
- Accumulated sick leave will be paid out to the employee at the employee's current rate of pay upon retirement as a one lump sum payment or maybe used to acquire medical coverage through the Village of Lyndonville's medical plan until the total of accumulated sick leave credits are used up.

**Personal Leave:** Each permanent full-time employee shall be granted three (3) days of personal leave during the fiscal year. This leave is not cumulative and must be requested in writing prior to the leave.

○ **Retirement Benefits**

The Village of Lyndonville employees are eligible for membership in the New York State Employees Retirement System which provides for service retirement and also for benefits in the event of death or disability. Employees who have reached retirement age and who have the required years of service may request estimates of their retirement benefit to assist in their retirement planning.

Employees who intend to retire should make application to the New York State Employees Retirement System at least 30 days but not more than 90 days, prior to their anticipated last day of work. An employee's final average salary is defined as the average of the employees three highest consecutive years of employment.

Membership in the retirement system is mandatory for any full-time permanent employee employed on or after July 1, 1976. Membership for part-time, permanent part-time or full-time temporary or provisional employees is optional. Those employees electing not to join the retirement system will be required to sign a retirement waiver at the time they complete employment forms. Employees electing not to join the retirement system upon hire may join the retirement system at any time while membership is optional by completing the appropriate paperwork provided by the Personnel Officer.

Whereas the retirement law is so extensive and complex, it is impossible to provide detailed information here relative to membership and benefits. In addition to this handbook, new employees will receive a booklet describing retirement benefits and membership requirements.

**RESOLUTION NO 2013-55**

**LEAVE TIME BENEFITS POLICY PART OF THE VILLAGE EMPLOYEE HANDBOOK**

**ON MOTION** of Trustee Whipple, seconded by Trustee Tuk, to accept the Leave Time Benefits Policy part of the Village Employee Handbook as written.

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

- OSC – Information Technology –
  - VILLAGE OF LYNDONVILLE - COMMUNICATIONS TECHNOLOGY POLICY

**Introduction**

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, July 8, 2013 at the Village Hall.  
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This policy is intended to inform Village of Lyndonville (Village) employees and officials (herein after termed “users”) of their responsibilities and obligations regarding the use of computer based information technology provided by the Village. This includes any and all use of equipment, software, phone systems, networks, Intranets, Internet Service Providers (ISP), e-mail, etc.(herein after termed “systems”) belonging to or made accessible by the Village.

**Policy**

Access to Village systems imposes certain responsibilities and obligations on users and is subject to Village policies as well as local, state and federal laws. Acceptable use always is ethical, reflects honesty, and shows restraint in the consumption of shared resources. It demonstrates respect for intellectual property, ownership of information, system security mechanisms, and the individual’s rights to freedom from intimidation, harassment, and unwarranted annoyance.

Users may be subject to limitations on their use of Village systems as determined by the appropriate supervising authority. Use of Village systems will be monitored for security and/or network management reasons. By participating in the use of systems provided by the Village, users agree to this practice and to abide by this policy. Users who violate any copyright declarations, software licensing rules, or property rights are acting outside the course and scope of their employment and will be personally responsible and liable for such infringing activities. Violations of the principles and provisions of this policy may result in disciplinary action including but not limited to termination and criminal prosecution.

**Communications Technology Committee**

The Mayor of the Village of Lyndonville shall appoint a sitting Village Board (Board) member as the Communications Technology Coordinator (CTC) to review the Village’s computer based communications technology needs and to make recommendations on system and policy needs to the Board. The CTC shall propose rules and procedures for the implementation of Village systems and policy, subject to Board review and approval.

**Procedure**

Departments with a verifiable need or benefit may request authorization for access to e-mail and/or the Internet from the Board. If approved, the Village Clerk will help the department obtain access and provide training. Costs associated with access will be the responsibility of the requesting department.

Every effort must be made to share resources. The department head and all users must sign an e-mail/Internet user agreement. Department Heads will be responsible for insuring that all users comply with Village policy.

**Unacceptable Uses of Village Systems**

Village systems may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene. The display of any kind of sexually explicit image or document on any Village system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources. If you find yourself connected accidentally to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. Harassment of any kind is prohibited.

- No messages with derogatory or inflammatory remarks about an individual’s race, color, gender, marital status, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Abusive, profane or offensive language is prohibited.
- Participation in newsgroups, chat rooms or list services through Village systems is prohibited.
- Systems may not be used for any purpose that is illegal, against Village policy or contrary to the Village’s best interest. Solicitation on non-Village business or any use of the system for personal gain is prohibited.
- No electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated on the Village’s system should contain the employee’s name.
- Use of Village systems for private, recreational, entertainment or non-public purposes is prohibited.
- Use of the system to disrupt users, services or equipment is prohibited. Disruptions include, but are not limited to, distribution of advertising, propagation of computer “worms” and viruses, and sustained high volume system traffic, which substantially hinders others in their use of the network.

**Software**

Browser, e-mail and other software used on the Village system must be authorized by the Board. All software must be registered to the Village. Unauthorized communication software must be removed. To prevent computer viruses from being transmitted through the Village’s system, downloading and/or installation of any unauthorized software is prohibited. Users should contact the Board if they have any questions. Any software or files downloaded via the Internet into the Village’s network must be used only in ways that are consistent with their licenses or copyrights. Software must have direct business use and arrangements must be made to have such software properly licensed and registered.

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The Board will maintain a contract with an IT firm who will install approved programs and who will troubleshoot any computer problems.

**Copyright Issues**

Users of the Village's system must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with written permission from the copyright holder. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

**Security**

All messages created, sent, retrieved or stored on the Village's system are the property of the Village. The Village has software and systems in place that can monitor and record all e-mail/Internet usage. We want you to be aware that our security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, newsgroup or e-mail message, and each file transfer into and out of our internal networks, and we reserve the right to do so at any time. No employee should have any expectation of privacy as to his or her e-mail/Internet usage. The CTC will review e-mail/Internet activity and files on the Village's systems and analyze usage patterns, and they may choose to publicize this data to assure that Village e-mail/Internet resources are devoted to maintaining the highest levels of productivity.

We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with this policy. The CTC will monitor messages and files on the Village's systems as deemed appropriate by the Village. Highly confidential data should be transmitted in other ways. Village Clerk shall maintain a record of USERID, passwords and e-mail addresses for all users. Users abusing the privilege of Village facilitated Village systems will be subject to disciplinary action up to and including termination. The Village also reserves the right to notify authorities of any unlawful activity and will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on individuals' e-mail/Internet activities. In addition:

- Users must protect their USERID and passwords from unauthorized use and keep them confidential. The sharing of USERID or passwords is prohibited.
- Users must not attempt to circumvent or subvert system security measures.
- Users must not intercept system traffic for any purpose.
- Users must not delete history files except as authorized by the Board.
- Users may not use the Village's e-mail/Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.
- Users may not use the Village's e-mail/Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- Users of the e-mail/Internet facilities of the Village shall identify themselves honestly, accurately and completely (including one's Village affiliation and function where requested) when participating in e-mail or when setting up accounts on outside computer systems.
- Domain accounts will be disabled after 30 days if the account shows no activity.

**Posting to Web Site**

Departments with a desire to post information on the Internet must obtain authorization to proceed before allocating any Village resources to that undertaking. Requests must be made in accordance with procedures established by the Board. The Village retains the copyright to any material posted by any employee in the course of his/her duties. It is imperative that users take special care to maintain the clarity, consistency and integrity of the Village's public image and posture. Anything any one employee writes in the course of acting for the Village on e-mail or the Internet can be taken as representing the Village's position.

**RESOLUTION NO 2013-56**

**COMMUNICATIONS TECHNOLOGY POLICY**

**ON MOTION** of Trustee Whipple, seconded by Trustee Tuk, to accept the Communications Technology Policy of the Village as written.

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

- Lawn Maintenance Local Law – The Village of Medina charges \$100.00 plus \$65.00 per hour or fraction thereof and pays a contractor \$50.00 per hour or fraction thereof. The Board agreed they would like the Village of Lyndonville to have the same policy using the New York State Property Maintenance Law stating all premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254mm). Attorney Schubel will work on a Local Law for a Public Hearing.
- Water Shutoff's/Condemning – Village of Medina's Local Law – Should the owner of property or consumer of water fail to pay water rents or to comply with any of the provisions of this chapter and any amendments thereto, except § 244-5, the Board of Water Commissioners, in addition to any other remedies granted to it, may discontinue the water supply to such premises. On five days' notice to such owner or consumer, if water service is so terminated at a premises that has been issued a certificate of occupancy under Chapter 254, Zoning, of the Code of the Village of Medina or under any other local law, ordinance, rule or regulation of the Village or enforced by the Village, such certificate of occupancy shall be automatically suspended, and if the premises are inhabited, such premises shall be vacated pursuant to Village code enforcement procedures. Such certificate of

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occupancy shall not be reinstated or reissued until water service has been reestablished and the premises have been inspected by the Code Enforcement Officer and it has been determined that the premises are in compliance with all applicable laws, ordinances, rules and regulations and, in the case of inhabited premises, that the same are now safe for habitation. There shall be a fee, as set from time to time by the Board of Trustees, payable by the owner to the Village Treasurer for the cost of such inspection and for reissuance of the certificate of occupancy. *Editor's Note: The current Fee Schedule is on file in the office of the Village Clerk.* The Board of Trustees may, from time to time, increase or reduce such fee by resolution. Attorney Schubel will work on a Local Law for a Public Hearing.

**NEW BUSINESS:**

- Uniform Notice of Claim Act –
  - Dear Colleague,

Recently, General Municipal Law §53 was amended permitting notices of claim against public corporations to be served on the New York Secretary of State. Public corporations are defined, in the General Construction Law, as municipal corporations, district corporations and public benefit corporations. The Secretary of State may be served with notices of claim against public corporations beginning Monday, July 15, 2013. If served, the Department of State will forward the notice of claim to the person designated by the public corporation to receive the notice of claim.

Public corporations are required to file a Certificate of Designation of Notice of Claim with the New York Department of State, designating the New York Secretary of State as their agent for service of notices of claim. The certificate must provide address information for the transmittal of notices of claim. Failure of a public corporation to file such a certificate will **not** invalidate any notice of claim served on the New York Secretary of State. Certificates of Designation of Notice of Claim may be filed online, and are available at: [https://appext20.dos.ny.gov/noc\\_public/f?p=800:8](https://appext20.dos.ny.gov/noc_public/f?p=800:8). Online filing is available from 7:00 a.m. to 11:30 p.m. A paper form will also be available from the New York State Department of State. Completed paper forms may be sent to the New York Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231

Persons serving a notice of claim on the Secretary of State will be charged a \$250 service fee. Half of the service fee will be retained by the Department of State while the other half will be provided to the public corporation, or public corporations, named in the notice of claim. Public corporations that have not filed a Certificate of Designation of Notice of Claim with the Department of State will not receive a share of the service fee.

Any questions regarding notices of claim may be sent to the Department of State at [eDesignation@dos.ny.gov](mailto:eDesignation@dos.ny.gov).

Sincerely,  
Cesar A. Perales  
Secretary of State

**RESOLUTION NO 2013-57**

**UNIFORM NOTICE OF CLAIM ACT DESIGNATION**

**ON MOTION** of Trustee Whipple, seconded by Trustee Tuk, to designate Clerk-Treasurer Woodworth to service as the contact for any and all Uniform Notice of Claim.

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

- Town of Yates request –
  - Dear Sirs:

The Town of Yates has had a request, from a Town of Carlton resident to hook into our water line that is on the Carlton Townline Road. The property is a residence with one or two persons living at the residence. Whereas, the Village of Lyndonville runs the water plant, this letter is to request your consent to have this person hook-up to the Town water line.

Very truly yours,  
Roger W. Wolfe  
Water Superintendent – Town of Yates

Trustee Whipple commented that the Village residents won't notice a difference in the water pressure.

**RESOLUTION NO 2013-58**

**TOWN OF YATES – CARLTON RESIDENT WATER SERVICE**

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to approve the Town of Yates' request to add a Carlton resident onto the water service.

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

- Prior Clerk's Overpayments – Attorney Schubel stated that prior Clerk-Treasurer Miller has agreed to pay back in full the \$6,259.00, Mayor McAvoy would need to execute the Memorandum between the Village and prior Clerk-Treasurer Miller.

**MEMORANDUM OF AGREEMENT**

**MEMORANDUM OF AGREEMENT** made this \_\_\_\_\_ day of July, 2013, by and between the **VILLAGE OF LYNDONVILLE**, a municipal corporation with offices at 2 S. Main Street, Lyndonville, New York (hereinafter "the Village") and **DEBRA D. MILLER** (hereinafter "Ms. Miller").

**WHEREAS**, the Office of the New York State Comptroller, undertook an audit of the Village for the period of June 1, 2007 through November 7, 2012, and

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**WHEREAS**, the Office of the New York State Comptroller rendered a Report of Examination, 2012M-259, for the period examined, and

**WHEREAS**, one of the areas of focus by the New York State Comptroller was the administration of leave time benefits, including those pertaining to leave accruals and the payments made to Ms. Miller for unused leave time at the time of Ms. Miller's retirement from service to the Village, and

**WHEREAS**, it was the opinion of the Office of the New York State Comptroller that Ms. Miller was overpaid for unused sick time in the amount of \$2,609 and for vacation leave payments in the amount of \$3,650, and

**WHEREAS**, it was the recommendation of the Office of the New York State Comptroller that the Village Board seek recovery of the overpayments made, and

**WHEREAS**, Ms. Miller while not fully agreeing with the opinions of the New York State Comptroller's Office, in the interest of expeditious resolution of the matter, has elected to repay the Village in the amount of \$6,259 in full satisfaction of the overpayments as calculated by the State Comptroller's Office upon the terms set forth herein,

**NOW, THEREFORE**, in consideration of the premises, the parties agree as follows:

1. Within ten days of full execution of this Memorandum of Agreement by the parties, Ms. Miller will tender to the Village a check in the amount of \$6,259 payable to the Village of Lyndonville in full satisfaction of the overpayments calculated by the Office of State Comptroller in the aforementioned Report of Examination.

2. Upon tender of the check payable to the Village, the Village will provide Ms. Miller with an IRS form W-2C reflecting reduced gross wages for the tax year in question as a result of the overpayments thereby enabling Ms. Miller to file an amended income tax return. Ms. Miller and the Village agree to cooperate with each other in providing any further documentation to taxing entities to reflect the repayment by Ms. Miller.

3. The payment by Ms. Miller to the Village in the amount of \$6,259 is in full satisfaction of any and all claims relating to the Village for the period of June 1, 2007 through November 7, 2012 covered in the Report of Examination of the New York State Office of State Comptroller.

4. This Memorandum of Agreement shall in no way be construed to constitute an admission by either the Village or Ms. Miller that either party has engaged in any unlawful conduct of any nature whatsoever under any State or Federal statute or administrative regulation or that it breached any contract or rights as provided under common law.

5. Ms. Miller further acknowledges that she has been given an opportunity to review this Memorandum of Agreement with an attorney of her choice. Ms. Miller further acknowledges that she has been given sufficient time in which to decide to sign this Memorandum of Agreement, that she has not been threatened to sign or coerced into signing this Memorandum of Agreement, that she is signing this Memorandum of Agreement voluntarily, and that she has read, understands and fully accepts the terms of this Memorandum of Agreement.

6. This Memorandum of Agreement constitutes the entire Agreement between the Village and Ms. Miller.

7. This Agreement shall be construed in accordance with the Laws of the State of New York.

**IN WITNESS WHEREOF**, the parties have executed this Memorandum of Agreement on the date set forth opposite their respective signatures.

Dated: July , 2013

\_\_\_\_\_  
Debra D. Miller

Village of Lyndonville

Dated: July , 2013

By: \_\_\_\_\_  
Stephen C. McAvoy, Mayor

**RESOLUTION NO 2013-59**

**MEMORANDUM BETWEEN THE VILLAGE AND DEBRA MILLER**

**ON MOTION** of Trustee Whipple, seconded by Trustee Tuk, to authorized Mayor McAvoy to execute the Memorandum between the Village and Debra Miller.

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

- Prior Clerk's Overpayments – Attorney Schubel advised the last communication he had with prior Clerk-Treasurer Ames that she disagreed with the State Comptroller's findings, however will repay but is asking to make payments. The Board discussed Mayor McAvoy contacting prior Clerk-Treasurer Ames and working out set payment amounts and due dates with having the full amount repaid by December 20, 2013.

**RESOLUTION NO 2013-60**

**MEMORANDUM BETWEEN THE VILLAGE AND ELENA AMES**



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

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to authorized Mayor McAvoy to contact prior Clerk-Treasurer Ames and work out the terms of payments and due days for the Memorandum between the Village and Elena Ames with the full amount to be paid by December 20, 2013.

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

- 2012-2013 Budget – Transfers of funds to balance each line item.

Transfer From	Account Name	Amount Being Transferred	Transfer To	Name
A.1325.1	Clerk-Treasurer.Personal Services	\$468.00	A.1210.1	Mayor.Personal Services
A.1340.4	Budget Officer.Contractual	\$217.80	A.1010.1	Legislative Board.Personal Services
A.1410.1	Dep Clerk.Personal Services	\$3,011.10	A.1410.4	Dep Clerk.Contractual
A.1410.1	Dep Clerk.Personal Services	\$1,475.00	A.1320.410	Auditor.Bookkeeper
A.1450.4	Election.Contractual	\$474.80	A1420.4	Attorney.Contractual
A.1460.1	Records.Personal Services	\$1,525.00	A.1010.1	Legislative Board.Personal Services
A.1460.4	Records.Contractual	\$1,000.00	A.1210.1	Mayor.Personal Services
A.1490.1	Supt.Personal Services	\$3,300.00	A.1320.4	Auditor.Contractual
A.1490.1	Supt.Personal Services	\$6,683.88	A.1325.4	Clerk-Treasurer.Contractual
A.1490.2	Supt.Equipment	\$220.91	A.1620.1	Operation of Plant.Personal Service
A.1620.4	Operation of Plant.Contractual	\$1,204.42	A.1650.4	Central Communication System.Contractual
A.1620.4	Operation of Plant.Contractual	\$1,015.90	A.1670.4	Central Print & Mail.Contractual
A.1680.4	Data Processing.Contractual	\$2,970.00	A.1670.4	Central Print & Mail.Contractual
A.3010.4	Public Safety.Contractual	\$187.82	A.2770.4	Unclassified – Dinner Meetings Exp
A.3020.4	Public Safety Communication System	\$865.60	A.3120.2	Police.Equipment
A.3410.2	Fire Protection.Equipment	\$941.35	A.3410.1	Fire Protection.Personal Service
A.3410.2	Fire Protection.Equipment	\$1,791.68	A.3410.492	Fire Protection.Truck Maintenance.Fuel
A.3410.4	Fire Protection.Contractual	\$193.82	A.3410.42	Fire Protection.Building Maint
A.3410.4	Fire Protection.Contractual	\$1,760.25	A.3410.43	Fire Protection.Med Sup
A.3410.4	Fire Protection.Contractual	\$417.79	A.3410.44	Fire Protection.Med Sup – Oxygen
A.3410.4	Fire Protection.Contractual	\$135.00	A.3410.45	Fire Protection.Medical Exams
A.3410.4	Fire Protection.Contractual	\$1,607.45	A.3410.48	Fire Protection.SCBA, Pump, Ladder Test
A.3410.4	Fire Protection.Contractual	\$4,915.64	A.3410.49	Fire Protection.Utilities
A.3410.4	Fire Protection.Contractual	\$4,862.81	A.3410.491	Fire Protection.Truck Maintenance
A.5110.2	Maintenance of Roads.Equipment	\$17,852.60	A.1325.2	Clerk-Treasurer.Equipment
A.5110.4	Maintenance of Roads.Contractual	\$25,450.30	A.5410.2	Sidewalks.Equipment
A.5142.2	Snow Removal.Equipment	\$4,261.25	A.5110.1	Maintenance of Roads.Personal Services
A.5410.4	Sidewalks.Contractual	\$5,005.45	A.3650.4	Demolition of Unsafe Buildings.Contractual
A.5410.4	Sidewalks.Contractual	\$289.66	A.5410.1	Sidewalks.Personal Services
A.8010.4	Zoning.Contractual	\$414.03	A.5182.4	Street Lighting.Contractual
F.8310.1	Water Admin.Personal Services	\$1,475.00	F.1320.410	Auditor.Bookkeeper
F.8310.2	Water Admin.Equipment	\$1,123.81	F.8310.4	Water Admin.Contractual
F.8320.1	Water Source of Supply, Power & Pump.Personal Services	\$3,601.12	F.8330.4	Water Purification.Contractual
F.8320.1	Water Source of Supply, Power & Pump.Personal Services	\$2,819.61	F.8330.41	Water Purification.Chemicals
F.8320.2	Water Source of Supply.Equipment	\$5,356.14	F.8320.49	Water Source of Supply.Utilities
F.8320.2	Water Source of Supply.Equipment	\$4,599.17	F.8330.1	Water Purification.Personal Service
F.8320.2	Water Source of Supply.Equipment	\$708.55	F.8330.42	Water Purification.Testing
F.8320.2	Water Source of Supply.Equipment	\$529.81	F.8330.41	Water Purification.Chemicals
F.8340.1	Water Transm & Distrib.Personal Services	\$436.24	F.8340.43	Water Transm & Distribution.Parts for W. Break
F.8340.4	Water Transm & Distrib.Contractual	\$2,250.00	F.8340.42	Water Transm & Distribution.Misc
F.8340.4	Water Transm & Distrib.Contractual	\$210.00	F.8340.41	Water Transm & Distribution.Engineering
F.8340.4	Water Transm & Distrib.Contractual	\$115.00	F.8340.49	Water Transm & Distribution.Utilities
F.9010.6	North Lyndonville Line	\$4,500.00	F.9710.6N	Bond.Principal: N Lyndonville Line
F.9710.6W	Bond.Principal:Water Tower	\$20,000.00	F.9710.6N	Bond.Principal: N Lyndonville Line
F.9710.6W	Bond.Principal:Water Tower	\$25,432.59	F.8320.4	Water Source of Supply.Contractual
F.9710.7N	Bond Interest:North Lyndonville Line	\$600.00	F.9710.6A	Bond.Principal: Series A Joint Project

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

Transfer From	Account Name	Amount Being Transferred	Transfer To	Name
F.9710.7N	Bond Interest:North Lyndonville Line	\$200.00	F.9710.6B	Bond.Principal: Series B Joint Project
F.9710.7N	Bond Interest:North Lyndonville Line	\$300.00	F.9710.6C	Bond.Principal: Series C Joint Project
F.9710.7N	Bond Interest:North Lyndonville Line	\$500.00	F.9710.6M	Bond.Principal: Main St Line
F.9710.7N	Bond Interest:North Lyndonville Line	\$200.00	F.9710.6N	Bond.Principal: N Lyndonville Line
F.9710.7N	Bond Interest:North Lyndonville Line	\$7,411.75	F.9710.7	Bond.Interest
F.9710.7N	Bond Interest:North Lyndonville Line	\$0.50	F.9710.7A	Bond.Interest: Series A Joint Project
G.8110.1	Sewer Admin.Personal Services	\$1,475.00	G.1320.410	Auditor.Bookkeeper
G.8110.1	Sewer Admin.Personal Services	\$681.38	G.8110.4	Sewer Admin.Contractual
G.8120.4	Sewage Collecting System.Contractual	\$5,536.92	G.8130.1	Sewage Treatment & Disposal.Personal Services
G.9030.8	Social Security.Employee Benefits	\$124.18	G.9055.8	Disability Insurance.Employee Benefits

**RESOLUTION NO 2013-61**

**2012-2013 FUND TRANSFERS TO BALANCE ALL LINE ITEMS**

**ON MOTION** of Trustee Tuk, seconded by Trustee Whipple, to authorized Clerk-Treasurer Woodworth to make the above stated transfer in the 2012-2013 Budget to make all line items balance.

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

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to adjourn the meeting at 8:27 p.m.

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

*Teri Woodworth*  
Clerk-Treasurer