

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, January 13, 2014 at the Village Hall. Meeting opened at 7:02 p.m.

PRESENT: Mayor: Stephen C. McAvoy
Trustees: Charles Covell
James Tuk - Attended via speaker phone
Ellen Tuohey
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Douglas Rue
Attorney David Schubel
Fire Chief Jason Gerety - Absent
Public: Rob Woolley

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to accept the minutes of the November 20, 2013 Special meeting, December 9, 2013 Regular meeting and the December 12, 2013 Special meeting.

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

PRIVILEGE OF THE FLOOR:

- Auxiliary VP Woolley stated that the Fire Department and the Auxiliary have not yet had a chance to sit down and talk.

USE OF FACILITIES

- Fire Hall – Mike Heideman is requesting use of the Fire Hall on January 26, 2013 from 2:00pm to 5:00pm for a Baby Shower.

RESOLUTION NO 2014-1

USE OF FACILITIES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, to approve the use of facilities for Mike Heideman to use the Fire Hall on January 26, 2014.

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

Report – Fire Chief Gerety

- Absent
- Clerk-Treasurer Woodworth gave report - YTD calls – 225, MTD calls – 19 (5 – EMS in Town, 5 – EMS in Village, 1 - CO Detector, 1 - Gas Odor, 3 - Hazardous Condition, 1 - M/A FAST to Medina, and 2 - M/A to Carlton)
- Trustee Woodward Jr. noted the Fire Department is averaging approximately one call day since 2014.

Report – Code Enforcement Rue

- 20 Building permits issued in 2013
- 2 Churches left to inspect
- Preparing paperwork for 2014
- Trustee Covell inquired if demolition was being done at the old Crosby Whipple's. Code Enforcement Rue advised it was just insulation. Superintendent Woodworth stated the water has been shut off to the property due to a leak before the meter that flooded the basement.

Report – Attorney Schubel

- Overpayment of Prior Clerk-Treasurer - Attorney Schubel has been in contact with Elena Ames she is working on repayment otherwise Attorney Schubel will move forward with the lien.
- Local Law for E-Waste Shed -

**A Local Law Authorizing The Disposal Of Covered Electronic Equipment
By Lyndonville Village Residents And Yates Town residents At A Designated Site**

Section 1.

This Local Law shall be known as a Local Law Authorizing the Disposal of Covered Electronic Equipment by Lyndonville Village Residents and Yates Town Residents at a Designated Site.

Section 2.

The purpose of this Local Law is to permit Lyndonville Village residents and Yates Town residents to dispose of covered electronic equipment as defined in §27-2601 of the New York Environmental Conservation Law at a site designated by resolution of the Village Board in the manner directed by the Superintendent of Public Works acting under authority of the Village Board. As used in this Local Law, Lyndonville Village residents and Yates Town residents includes individual, society, church, club, family or association of persons or family, engaged in a noncommercial purpose and the singular number shall include the plural number. It shall not include any individual, partnership or corporation engaged in commercial or industrial operations.

Section 3.

The provisions herein contained shall apply to any lands now owned or hereafter acquired by the Village of Lyndonville which have been designated by resolution of the Lyndonville Village Board as a site for the collection of covered electronic equipment.

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Section 4.

The Village Board may, from time to time, by resolution, designate a site for the disposal by Lyndonville Village residents and Yates Town residents of covered electronic equipment. The superintendent of Public Works shall be in charge of any such designated site.

Section 5.

No person shall carry or leave, or cause to be carried or left, upon a designated site as authorized herein any items other than covered electronic equipment as defined in §27-2601 of the New York Environmental Conservation Law.

Section 6.

No person shall deposit or cause to be deposited any covered electronic equipment at the designated site except in the manner directed by the Village Superintendent of Public Works under authority of the Village Board, whether such direction is given personally, by another person by his authority, or by a sign or signs erected upon a site by his authority.

Section 7.

No person shall be or remain at any designated disposal site at any time other than during the hours established by the Superintendent of Public Works.

Section 8.

The Village of Lyndonville shall be responsible for arranging for the transportation of any electronic waste deposited at the site to an electronic waste consolidation facility or electronic waste recycling facility. It shall be unlawful for anyone other than the Village or its designee to remove electronic waste from the facility.

Section 9.

The Village Shall not be responsible for any information, data or images on hard drives deposited at the site. It shall be the responsibility of the owner of the covered electronic equipment to sanitize all hard drives prior to depositing the covered electronic equipment.

Section 10.

Any violation of any provisions of this Local law shall constitute a violation pursuant to the Penal Law, and any person convicted of a violation of this Local law shall be subject to a fine not exceeding \$250.00 by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

Section 11.

(a) This Local law shall take effect immediately upon filing in the Office of the Secretary of State.

(b) If any part or section of this Local Law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.

(c) All Local Laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this Local Law are hereby repealed.

- Local Law for Snow and Ice Removal from Sidewalks -

A Local Law Requiring The Removal Of Snow And Ice From Sidewalks

Section 1. Removal of Snow and Ice

- A. Duty to remove. It shall be the duty of every owner, tenant, occupant, or other person in charge of any premises fronting on any public street or alley to remove all snow and ice from sidewalks before 9:00 a.m. following the time of the deposit.
- B. Immediate removal impractical. When weather conditions make it impractical to remove such snow and ice, the owner, tenant, or occupant, other person having charge of any premises as aforesaid shall, within the aforesaid specified time, cause the sidewalk abutting on such premises to be covered with salt, sand, or some suitable material and shall as soon thereafter as the weather permits thoroughly clean the sidewalks.
- C. It shall be unlawful for any person to use or cause to be used a public street or any sidewalk for the deposit, piling, or placement of plowed or shoveled snow.
- D. It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled or placed, on any corner lot, plowed or shoveled snow piles such that the piles interfere with the visibility of vehicular traffic at such corners.
- E. It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled or placed, plowed or shoveled snow, or to blow or cause snow as to cover or obstruct the accessibility of fire hydrants.
- F. Every owner, tenant, occupant, or person in charge of lands, premises or buildings fronting on any street or public place in the Village of Lyndonville, or such persons who have caused such violations, shall, upon notification of the Superintendent of Public Works, be required to immediately remove any snow placed or piled contrary to the provisions of Subsections A, C, D, and E of this section.
- G. Notwithstanding these provisions contained herein, nothing shall prohibit any person from utilizing the streets, sidewalks or rights-of-way of the Village of Lyndonville or temporary deposit, piling or placement of snow in connection with the snow removal actually underway.

Section 2. Penalties for Offenses; Enforcement

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- A. Any owner, occupant, tenant, or person in charge of the real property or other person who has caused such violation and who shall be in violation of any provision of this Local Law shall be subject to a civil fine not exceeding \$100.00.
- B. In cases of neglect or refusal of any owner, tenant, occupant, or person in charge of real property to comply with the provisions of this article as to the removal of snow and ice, the Board of Trustees may cause all necessary work to be done at the expense of the person so in default, and if payment is not made by such person the same shall be assessed against the land on the next tax roll of the Village.
- C. The Superintendent of Public Works of the Village of Lyndonville or such other Village employees as is designated by the Mayor shall enforce the provisions of this article.

Section 3. Effective date

- A. This local law shall take effect immediately upon filing in the Office of the Secretary of State.
- B. All local laws, ordinances, rules, regulations, or parts or portions thereof that conflict or are contrary to any provision of this local law are hereby repealed.

RESOLUTION NO 2014-2

PUBLIC HEARING FOR LOCAL LAWS

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to set a Public Hearing for February 10, 2014 for the Local Law covering the E-Waste Shed at 7:00pm and for the Local Law regarding Snow and Ice Removal on Sidewalks at 7:15pm.

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

- Capitalization Policy - The Board would like to set the threshold at \$1,000.00, Attorney Schubel will draft the policy.
- IT Policy with WRB Graphics -

WRB GRAPHICS SERVICES AGREEMENT

THIS SERVICE AGREEMENT (this "Service Agreement") is entered into on or as the 1st day of January, 2014 (the Effective Date) by and between WRB Graphics, a IT System Sales and Service Provider located at 4795 Salt Works Road Medina, NY 14103 ("Seller"), and the Village of Lyndonville, located at 2 South Main Street, P.O. Box 270, Lyndonville, NY 14098 ("Customer"). The Agreement shall consist of this Service Agreement, The General Terms and Conditions set forth on Schedule A attached hereto and incorporated herein by reference ("the General Terms and Conditions").

A: Services Provided:

Seller shall provide the following services, general IT support and maintenance of computer and surveillance systems.

Excluded Services:

Customer understands and agrees that services required to recover from failures and/or incidents caused by any of the following circumstances are not considered normal maintenance and are not covered under this Service Agreement:

- Service and repair made necessary due to accidents or acts of God, damage from fire, water, wind earthquakes, lightning, terrorism, transporting equipment, vandalism or burglary;
- service and repair made necessary by the alteration or modification of equipment other than that authorized by Seller;
- Service or repair of damages caused by neglect, malicious activity, or misuse including, without limitation, use of the system(s) for purpose other than which it was designed, by the Customer, its employees, or third party contractors;
- Service or repair due to electrical damage caused by electrical wiring at system location or resulting from electrical surges, sags or spikes;
- Service or repair made necessary by bugs released by software vendors, e.g. adverse effects from installing updates or service packs.
- If in the reasonable opinion of the Seller, as supported by its experience, and particular user's requests exceed a normal and reasonable frequency, Seller may advise the Customer that the user's request are excluded until such time as the user has received additional training.

Excluded Third Party Costs

Customer understands and agrees that the following third party costs are not covered b the fess set forth in this Service Agreement and shall charge by the Seller to Customer:

- Labor, parts, hardware and software not covered by warranties;
- Software licenses, subscription or upgrade fees;
- Manufacture or vendor support fees, whether by annual contract or per incident;
- Shipping costs:
 1. **Pricing:** In consideration for the Services contemplated by this Service Agreement, Customer shall pay Seller as follows:

Fees:
Service Call Fee: \$25.00 per trip.
Hourly Rates for Technician Time/Service: \$65.00 per hour.
Phone support/Remote system maintenance: \$65.00 per hour.
Payment Terms: Check, Visa, MasterCard

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Reimbursement of expenses: Client will reimburse WRB Graphics for any shipping expenses related to replacement of warranted parts on their existing systems.

B: Terms: Initial term of one year with four annual renewals

C: Service Levels: Telephone support will be available 8am-6pm weekdays, Message left after hours will be returned within 24 hours. On Site customer support is available 9am-5pm weekdays. After hours service available upon request, subject to technician availability.

D: Customer Obligations: Customer shall be responsible for the following:

- Customer may be required to conduct preliminary diagnostic steps for provide additional information related to a support request, prior to a technician being dispatched to Customer's facility; and
- Provide adequate access to facility.

Contact Information:

William Belson

4795 Salt Works Road

Medina, NY 14103

Telephone: (585)-798-3231

(716)-417-7753

Email: willamr@belson.net

Bill_4795@yahoo.com

RESOLUTION NO 2014-3

IT POLICY AGREEMENT WITH WRB GRAPHICS

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to accept and agree to the IT Policy Agreement with WRB Graphics.

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

Report – Clerk-Treasurer Woodworth

- The Village website is up and running. The minutes and local laws have been linked to the site. Asked Board to take a look and give feedback, suggestions or concerns.
- Credit Card Payments - Received the signed paperwork back from Hamer, should be starting the process to except credit card payments soon.
- IRS Notice - Fighting the IRS on a notice of penalty, its due to the IRS posting a payment to the wrong quarter.
- Grant Funds - Completed the necessary paperwork to receive \$5,000.00 back in grant funds from NYS for the 2008/2009 Water mapping project.
- Statutory DBL Policy - Tompkins was able to get the Village a policy with The Hartford. However they setup the Village up as quarterly billing with higher premiums per male and female. Clerk-Treasurer Woodworth requested to be changed to annually with lower premiums as we were with Zurich. The Hartford granted the request.
- Property Damage - January 6, 2014 the DPW was taking down the Christmas decorations on Main Street when one of their palette boxes rolled off of the curb and into the side of Nancy Weaver's vehicle. The quote for repairs has been sent to Tompkins and the insurance representative is working directly with Ms. Weaver.
- E-Waste Shed - Clerk-Treasurer Woodworth received a quarterly report from Albion Redemption Center of 3598lbs have been received from September 2013 to December 2013. The owner has decided to donate the \$0.01 per pound to the Lyndonville Lions Club to be put toward the Fourth of July fireworks display.
- Vouchers – Abstract A8 #1120, 1150, 1179 - 1236 to be paid

General	\$ 19,561.50
Water	\$ 7,802.56
Sewer	\$ 4,214.70
Grand Total	\$ 31,578.76

RESOLUTION NO 2014-4

VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth to pay Abstract A8Vouchers #1120, 1150, 1179- #1236.

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

Report – Superintendent Woodworth

- ARC of Orleans County - Service Agreement and Survey for cleaning the Fire Hall - Superintendent Woodworth doesn't feel comfortable signing the agreement or completing the survey as the DPW doesn't inspect the building after it's clean as we are not aware of the cleaning schedule. Mayor McAvoy will sign the new agreement and complete the survey asking for a schedule of cleaning times.
- Christmas Trees from the Christmas in Lyndonville have been removed from Veterans Park.
- Waste Water Treatment Plant - Inspection for Contracts #1 and #2 - Which was mostly Blue Heron and Suburban Electric's work on the lift stations and the Waste Water Treatment Plant. Superintendent Woodworth advised that

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the new roof leaks at the Waste Water Treatment Plant and they are having trouble with a pressure switch. None of the contactors want to take ownership of the switch they are saying the DPW touched it and messed it up.

- Water Testing - Orleans County Health Department will no longer accept the Village of Lyndonville's monthly water samples for testing done by Erie County Public Health Lab. The Village will need to make their own courier arrangements per the Health Department. The courier will now pick up the samples at the Village of Holley then the Village of Lyndonville then go back to Orleans County Health Department to get the samples there. The courier did advise that they are in contract with Orleans County until the end of 2014. There will be significant cost increase to the municipalities to make this change. Superintendent Woodworth is working with Orleans County Legislator Lynne Johnson to see if anything can be done.
- Emergency Management - Received a letter asking the municipalities to keep track of their costs from the last ice storm to see if the County will be eligible for State or Federal aid.
- Fire Department sign is up and running now.
- Generator - The generator at the Waste Water Treatment Plant wouldn't run during the last cold spell, wind chill of negative fifty five. This generator powers the Waste Water Treatment Plant, DPW Garage and the Fire Department during power outages, Superintendent Woodworth is working with the contractors to get this fixed.
- Keys for Fire Department - Auxiliary VP Woolley requested keys to the Fire Hall for Auxiliary members. Superintendent Woodworth stated he could get access to the building keys to the members but the office keys need to be worked out with Chief Gerety before they can be issued.

Report – Trustee Tuohey

- Nothing

Report – Trustee Tuk

- SBA Agreement - Trustee Tuk asked what everyone thought of the SBA Agreement. Attorney Schubel and Mayor McAvoy stated everything looked good and we would be going forward with it as it reads. Trustee Tuk stated the new figures will be needed for future budgets.
- Cube Van - Trustee Tuk inquired if a new cube van had been purchased yet. Superintendent Woodworth stated not yet, we are having trouble finding one that will fit in the back truck bay.
- Sidewalk Contract - Trustee Tuk asked if the Village was going to write a letter to Pro-Construction stating we would do more sidewalk work in 2014 and ask that his pricing be the same. Attorney Schubel had advised Superintendent Woodworth to put the project back out to bid if additional work was going to be done.

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Covell

- Nothing

Report – Mayor McAvoy

- Nothing

OLD BUSINESS:

- Vest for Police Officer - Mayor McAvoy hasn't done anything on this yet.

NEW BUSINESS:

- Pond Project - There was a meeting with the DEC and Village Officials prior to Christmas regarding the pond project. The DEC wants to focus on their concerns with wild life rehab and predators downstream. They will be looking to come to the site in the spring. The DEC is looking for a letter of intent regarding \$100,000.00 for testing on this project. Trustee Covell stated if there is no benefit to the community as far as cleaning up the pond why bother with the project. Mayor McAvoy stated he was going to take this to the Lyndonville Area Foundation to see if they could help.
- Superintendent Woodworth thanked the Lyndonville Area Foundation for their contribution for the new Christmas decorations on Main Street.

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to adjourn the meeting at 8:00 p.m.

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

Teri Woodworth
Clerk-Treasurer