

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, January 3, 2022 at the Village Hall. Meeting by teleconference via Zoom, the meeting opened at 6:00 PM

PRESENT: Mayor: John Belson
Deputy Mayor: Danny Woodward Jr.
Trustees: Anne Marie Holland
Kimberly Kenyon
Darren Wilson
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Jason Raduns
Attorney Katherine Bogan
Fire Chief Michael Heideman
Public – Present: Carla Woodworth, Ted Lewis, Amy Lewis

APPROVAL OF THE MINUTES

ON MOTION of Trustee Wilson seconded by Trustee Kenyon, to accept the minutes of the December 6, 2021 regular meeting.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR

- Ted Lewis addressed the Board with his concerns regarding his most recent water/sewer bill seeing it increased 61% from the last bill. Mr. Lewis noted they contacted the Village Clerk’s office regarding the concerns and were provide leak tablets to check for leaky toilets, that process was completed and no leaks indicated. Mr. Lewis noted the week of Christmas Superintendent Woodworth came to the residence to check the home for leaks. Mr. Lewis there were no changes within the household. Mr. Lewis noted Superintendent Woodworth listened to the water lines with some audio tools and found nothing within the home. Mr. Lewis noted Superintendent Woodworth then listened to a line going from the home to the garage and determined that’s where the water leak was occurring. Mr. Lewis asked the Board for some forgiveness on the water/sewer bill due to the leak. Superintendent Woodworth noted as soon as a valve was put on to the line going to the garage and then shut off the water meter stopped. Board discussed the current bill’s charges and referenced the Village’s Water-Sewer Billing Adjustment Policy. Attorney Bogan noted only the sewer portion is allowed for forgiveness. The Board discussed there being a high bill again in the next billing cycle. Clerk-Treasurer Woodworth noted 26,000 gallons has been used since December 1, 2021’s reading. The Board will discuss the March 1, 2022 bill at the March Board meeting. Clerk-Treasurer Woodworth will put it on the March 7, 2022 meeting agenda. Mayor Belson noted the sewer charge can be waived. Trustee Kenyon inquired if a portion of the sewer or all of the sewer since some of the usage wasn’t the leak. Clerk-Treasurer Woodworth advised the average 15,750 gallons at \$6.20 per 1,000 gallon totaling \$97.34. Trustee Holland noted the \$97.34 is what they should pay and a credit be given. Mayor Belson installment payments can be made. Mrs. Lewis confirmed with Clerk-Treasurer Woodworth on how the adjustment will be made. Clerk-Treasurer Woodworth asked the Board for approval to credit \$85.25 on the sewer charges for Mr. Lewis.

RESOLUTION NO 2022-1

AUTHORIZE A CREDIT OF \$85.25 IN SEWER CHARGES FOR 162 SOUTH MAIN STREET

ON MOTION of Trustee Kenyon, seconded by Trustee Holland, to authorize Clerk-Treasurer Woodworth to issue a \$85.25 credit on the sewer charges for 162 South Main Street.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

USE OF FACILITIES

- Fire Hall – Anna Schuner requested use of the Fire Hall on December 24, 2021.

Report – Code Enforcement Raduns

- Mayor Belson introduced Jason Raduns as the new Code Enforcement Officer through the intermunicipal agreement with the Town of Ridgeway and the Town of Yates.
- Code Enforcement Raduns noted he will have office hours on Monday and Fridays in Yates and Lyndonville.

Report – Officer Larkin

- Mayor Belson confirmed everyone received Officer Larkin’s report.

Report – Fire Chief Heideman

- Report – 253 Calls for 2021; 26 Calls for December (4 – EMS Village, 5 – EMS Town, 2 – Mutual Aid Carlton, 7 – Tree Down Town, 1 – MVA Town, 1 – Law Enforcement Standby, 1 – Wires Down Town, 1 – Lift Assist Village, 1 – CO Detector Village, 1 – CO Detector Town and 1 – Smoke in the building Village) Up 68 calls from last year.
- Lyndonville Fire Department 2022 Officers:
 - Chief – Michael Heideman
 - 1st Assistant Chief – Gary White
 - 2nd Assistant Chief – TJ Heideman
 - Fire Captain – Danny Woodward Jr.
 - Fire Lieutenant: James Scharlau
 - EMS Captain – Anna Schuner
 - EMS Lieutenant – Wally Snyder
 - Fire Police Captain – Harold Scribner

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- Fire Police Lieutenant – Donald Starr

Report – Attorney Bogan

- Nothing

Report – Clerk-Treasurer Woodworth

- Clerk-Treasurer Woodworth noted that New York State Homes and Community Renewal have granted an extension on the Main Street project from December 31, 2021 to September 30, 2022. Clerk-Treasurer Woodworth noted LaBella’s may need to ask for an increase in the grant administrator fees as we are getting close to the \$10,000.00 limit. Attorney Bogan asked if the property owner is aware of the extension and that the project needs to be complete by September 2022. Clerk-Treasurer Woodworth noted yes the property owner had to provide a proposed progress plan.
- Clerk-Treasurer Woodworth asked for approval to credit \$27.80 on the water bill for 1163 N Lyndonville Road due to a billing error when a new meter was put in and the usage on the new meter was on charged until the December billing cycle.

RESOLUTION NO 2022-2

AUTHORIZE A CREDIT OF \$27.80 ON THE WATER BILL FOR 1163 N LYNDONVILLE ROAD

ON MOTION of Trustee Belson, seconded by Trustee Kenyon, to authorize Clerk-Treasurer Woodworth to issue a \$27.80 credit on the water bill for 1163 N Lyndonville Road due to a billing error during the install of a new meter.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Clerk-Treasurer Woodworth presented the Board with the budget to actual report as of December 31, 2021.
- Vouchers – Abstract A7-1 – A8 #15783 - #15851 to be paid for 2021-2022

General	\$ 14,692.85
Water	\$ 8,700.31
Sewer	<u>\$ 1,514.45</u>
Grand Total	\$ 24,907.61

RESOLUTION NO 2022-3

VOUCHERS TO BE PAID FOR ABSTRACTS A7-1 – A8

ON MOTION of Trustee Woodward Jr., seconded by Trustee Kenyon, to have Clerk-Treasurer Woodworth pay Abstracts A7-1 – A8 # 15783 – #15851.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

Report – Superintendent Woodworth

- Superintendent Woodworth noted he finished the street light inventory and it has been submitted to National Grid. Superintendent Woodworth noted he also asked to have outlets put onto poles for Christmas lights for Christmas in Lyndonville, National Grid may need a resolution from the Village Board.
- Superintendent Woodworth informed the Board that the alarm system Water Treatment Plant dead, it was over 30 years old. Superintendent Woodworth presented a quote from Amherst Alarm for \$8,290.00 to replace it and get all systems back online.

RESOLUTION NO 2022-4

AUTHORIZATION TO PURCHASE ALARM SYSTEM FOR THE WATER TREATMENT PLANT

ON MOTION of Trustee Woodward Jr., seconded by Trustee Kenyon, to authorized Superintendent Woodworth to have Amherst Alarm install a new alarm system at the Water Treatment Plant not to exceed \$8,500.00.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

Report – Trustee Kenyon

- Nothing

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Holland

- Nothing

Report – Trustee Wilson

- Trustee Wilson noted he wanted to put on official record that the Village Board of Trustees and Mayor did a great job in 2021. Mayor Belson noted the whole group and process goes really well.

Report – Mayor Belson

- Nothing

OLD BUSINESS:

- Water Rate Agreement – Clerk-Treasurer Woodworth is working on the updates from Attorney Bogan and plans to have a draft available at the next meeting.

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- Code Enforcement Officer – Inter-Municipal Agreement – Attorney Bogan presented the Board with the Intermunicipal Agreement. Attorney Bogan noted that Code Enforcement Raduns will need to let the municipalities know where he’s going to be, the agreement states he will be in the Town of Yates offices 2 days a week and in the Village of Lyndonville offices 4 hours a week. Attorney Bogan noted Code Enforcement Raduns will be a Town of Ridgeway employee and it will be on the Code Enforcement Officer to bill back to the municipalities quarterly.

**Intermunicipal Agreement for Code Enforcement Services
Between the Towns of Ridgeway, Yates and Village of Lyndonville**

This Agreement is made this 3rd day of January, 2022 by and between the **Towns of Ridgeway, Yates and Village of Lyndonville**, municipal corporations of the State of New York, with offices located at 410 West Avenue, Medina, County of Orleans, New York (“Ridgeway”), 8 South Main Street, Lyndonville, Orleans County, New York (“Yates”) and 2 South Main Street, Lyndonville, Orleans County, New York (“Lyndonville”).

Witnesseth:

WHEREAS, Yates and Lyndonville desire to contract with the Town of Ridgeway to provide Code Enforcement services to each respective municipality in accordance with Article 5-G of the General Municipal Law; and

WHEREAS, it is both desirous and the intent of Ridgeway, Yates, and Lyndonville to enter into this agreement.

WHEREAS, the terms and conditions of this Agreement have been approved by a majority vote of the Municipal Boards of Ridgeway, Yates, and Lyndonville.

NOW, THEREFORE, in consideration of the foregoing, it is mutually agreed as follows:

1. Yates and Lyndonville agree to appoint the Town of Ridgeway Code Enforcement Officer to simultaneously serve as the Code Enforcement Officer for Yates and Lyndonville. The appointment of the Ridgeway Code Enforcement Officer to serve as the Code Enforcement Officer for Yates and Lyndonville (hereinafter referred to as the “CEO”) shall be approved by the majority of the Yates and Lyndonville Municipal Boards prior to the effective date of this Agreement. Any individual appointment as CEO by the Town of Ridgeway shall satisfy the minimum qualification standards for CEO as established by 19 CRR-NY 1208-3.1.
2. The CEO shall perform the duties set forth as follows: Complete the necessary code enforcement training provided by NYDOS within 18 months of hire; understand and apply all planning and zoning laws of the Town/Village, Orleans County and NYS; Utilize computer technology in a timely manner to process forms, evaluations, permits, and to complete online courses; work closely with all Town/Village Planning and Zoning Boards and the Orleans County Planning Board; work closely with the town/village clerks while keeping them informed of your schedule and agenda for the day; work closely with the town Assessor while keeping them informed about properties and any code violations; attend town/village court sessions when necessary; perform fire inspections per municipal and state statutes and ordinances; review and process all permit applications; and respond to all code violations.
3. The CEO shall maintain an office at 410 West Avenue, Medina, New York which will be open to and able to serve all residents in the Towns of Ridgeway, Yates and the Village of Lyndonville. The CEO or CEO staff will be present no less than two full work days per week in the Town of Yates office and four hours per week in the Village of Lyndonville. The stated work week for the CEO will be 40 hours per week with no overtime paid. The position is a salaried position. Hereinafter the CEO Staff shall be defined as any person in the capacity of assisting the CEO. Said days of the week and hours to be worked shall be established by the board of each municipality at their annual organizational meeting. While at the Town of Yates office or Village of Lyndonville, the CEO or CEO staff shall also be open to and able to serve all the residents of each Town/Village. The municipalities shall afford the CEO and staff the flexibility to allow the performance of all duties of all Towns/Village at all times.
4. The CEO may perform duties of Ridgeway, Yates and Lyndonville regardless of which office they are present in and receive and return telephone calls, emails and other communications from either office. The CEO shall attend the regular monthly Board meetings of Ridgeway, Yates and Lyndonville as well as the Planning, Zoning and County Planning Board meetings and special Municipal Board meetings as necessary and as requested.
5. The CEO shall, for all purposes, be deemed an employee for the Town of Ridgeway. The Town of Ridgeway shall pay the CEO salary and make employer’s contributions for retirement, social security, health insurance, workers compensation, NYS disability and other benefits. Yates and Lyndonville agree to share all costs incurred by Ridgeway as employer, including the CEO salary, employers share of FICA, health insurance costs, retirement, NYS Disability and all employee benefits and costs provided by Ridgeway as employer, on a proportionate pro rata basis based on the number of tax map parcels contained within each Municipality. The municipalities shall request the County Director of Real Property Tax Services, for purposes of this Agreement, to annually determine the number of tax map parcels contained within each Municipality. It is agreed that the CEO shall be responsible to and shall report to the Supervisor of each Municipality as to issues relative to Code Enforcement and CEO services in each individual Municipality respectively.
6. Yates and Lyndonville shall also pay to the Town of Ridgeway their share, on the same proportionate pro rata basis as above-noted in paragraph 5, of the Town of Ridgeway CEO Department expenses for the following items: Education, any professional dues, computer services and computer related equipment as well as mileage. The following items shall not be included in the payments to Ridgeway and will be paid by each individual town: pictometry, legal fees, as well as general office support (i.e., Office supplies) that each town deems appropriate. Said payments from Yates and Lyndonville shall be made to Ridgeway in quarterly installments. The payments shall be billed to Yates and Lyndonville prior to the scheduled monthly Municipal board meetings of March, June, September and December. The respective municipalities will be billed for current charges only. The CEO will be responsible for submitting vouchers to each municipality for these charges. Payments will be made to the Chief Fiscal Officer of Ridgeway.
7. Ridgeway agrees to budget for all training expenses and Yates and Lyndonville agree to share in the costs, on a pro rata basis on the number of tax map parcels contained in each municipality as of the latest final assessment roll. Said costs to be

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included in the quarterly billing statements rendered by Ridgeway in which months the costs were incurred.

8. The terms and conditions of this agreement, including the CEO salary along with benefits and the budget for the operating costs of the CEO office, shall be reviewed annually in September by each Municipal Board during the term of this Agreement. The CEO shall submit on or before September 15th of every year of this Agreement the next fiscal year's proposed budget for CEO Services to the Chief Fiscal Officer of each Municipality. If any Municipal Board desires to make any amendments and modifications to the terms and provisions of this agreement, a joint session of the Municipal Boards shall be held at a time agreeable as soon as possible in October.
9. This agreement shall be effective as of January 1, 2022 and shall remain in effect for a period of one year except if terminated earlier as provided in paragraph 10.
10. Any of the parties may cancel this agreement for any reason with 60 days written notice delivered by first class mail, return receipt requested, to the Municipal Supervisor of the other Parties. Termination shall be effective no sooner than the 60th day after receipt of such notice, or such other later date as specified in the notice. Ridgeway shall be entitled to all payments for services rendered under this agreement up to the effective date of termination, on a pro-rata basis.
11. This agreement shall be amended, modified or terminated only upon approval by a majority vote of the Municipal Board of each Municipality in the manner prescribed by law.
12. If any part, section or item of this agreement is deemed illegal or void, the remaining parts of this agreement will remain in effect".

RESOLUTION NO 2022-5

INTERMUNICIPAL AGREEMENT – CODE ENFORCEMENT – JASON RADUNS

ON MOTION of Trustee Holland, seconded by Trustee Woodward Jr., to authorize Mayor Belson to execute the Intermunicipal agreement for Code Enforcement services.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

NEW BUSINESS:

- Lyndonville Fire Department – New Member – Jay Douville – Trustee Woodward Jr. asked the Board to approve new Lyndonville Fire Department member Jay Douville.

RESOLUTION NO 2022-6

LYNDONVILLE FIRE- DEPARTMENT – NEW MEMBER – JAY DOUVILLE

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson, to approve Jay Douville as new member of the Lyndonville Fire Department pending the required physical.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Waste Water Treatment Plant Disinfection Project – MRB Group proposal – Superintendent Woodworth noted we need to be online by 2023. Superintendent Woodworth noted in the past he was able to be the onsite inspector, he will inquire if that is an option this time as it would save the Village money on the project.

RESOLUTION NO 2022-7

WASTEWATER TREATMENT PLANT DISINFECTION PROJECT – MRB GROUP PROPOSAL

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to accept the proposal from MRB Group and to authorize Mayor Belson to execute it.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Availability Charge – 114 S Main Street – Clerk-Treasurer Woodworth presented the Board with an email from Amy Avery regarding 114 South Main Street being converted back into a one unit home requesting the availability charge be changed to single unit.

RESOLUTION NO 2022-8

AVAILABILITY CHARGE – SINGLE UNIT – 114 SOUTH MAIN STREET

ON MOTION of Trustee Kenyon, seconded by Trustee Holland, to authorize Clerk-Treasurer Woodworth to change 114 South Main Street's availability charge to a single unit.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson, to adjourn the meeting at 6:39PM.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

Teri M. Woodworth
Clerk-Treasurer