

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, October 5, 2020 at the Village Hall. Meeting by teleconference via Zoom, the meeting opened at 6:01 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 Dan Wolfe - Absent
Attorney Katherine Bogan
Fire Chief Ben Bane - Absent
Public – Dialed in to Zoom:

ON MOTION of Trustee Woodward Jr., seconded by Trustee Kenyon, to open the public hearing of a local law 2020-2 Sewer Use Ordinance at 6:01pm.

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

- Mayor Belson asked if there was any discussion from the Board. The Board inquired if the Village has heard anything from Chemours about moving forward. Superintendent Woodworth noted he's heard nothing since MRB Group gave them the estimated cost.

ON MOTION of Trustee Holland', seconded by Trustee Wilson, to close the public hearing of a local law 2020-2 Sewer Use Ordinance at 6:04pm.

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

APPROVAL OF THE MINUTES

ON MOTION of Trustee Wilson seconded by Trustee Woodward Jr., to accept the minutes of the August 3, 2020 regular meeting.

Vote: 4 Ayes (Belson, Kenyon, Wilson, Woodward Jr.); 0 Nays; 1 Abstain (Holland)

PRIVILEGE OF THE FLOOR

- Nothing

USE OF FACILITIES

- Fire Hall – Lyndonville Lions Club is requesting use of the Fire Hall on October 24, 2020 for a drive thru pumpkin giveaway.
- Lake Avenue Ball Fields – Agoge Athletic Club/Joseph Suhr is requesting use of the Lake Avenue Ball Fields from October 6, 2020 to November 7, 2020 for flag football. Superintendent Woodworth noted he met with Mr. Suhr regarding field size. Trustee Wilson asked that the organization adhere to the 2 spectators per player guidance from NYS. Clerk-Treasurer Woodworth noted per advisement from Attorney Bogan a copy of the NYS interim sports guidance will be given to Mr. Suhr as well as we would need insurance naming the Village as additionally insured.

RESOLUTION NO 2020-72

USE OF FACILITIES – LYNDONVILLE LIONS CLUB & AGOGE ATHLETIC CLUB/JOSEPH SUHR

ON MOTION of Trustee Wilson, seconded by Trustee Kenyon, to approve the use of facilities as requested by the Lyndonville Lions Club and Agoge Athletic Club/Joseph Suhr pending the insurance naming the Village as additionally insured and that Agoge Athletic Club adheres to the provided NYS interim sports guidance.

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

Report – Fire Chief Bane

- Absent Report given by Clerk-Treasurer Woodworth– 147 Calls for 2020; 15 Calls for September (1 – CO Town, 1 – Tree Down Town, 2 – Wires Down Town, 1 – Lift Assist Town, 2 – EMS Village, 5 – EMS Town, 2 – Automatic Fire Alarms Town, 2 – FAST Team Medina and 1 – CO Village)
- Letter of Resignation/Removal – Clerk-Treasurer Woodworth presented the Board with a letter from the Lyndonville Fire Department accepting and approving the resignation of Bruce Fumia from the Lyndonville Fire Department.

RESOLUTION NO 2020-73

REMOVAL OF LYNDONVILLE FIRE DEPARTMENT MEMBER BRUCE FUMIA

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson, to accept with regrets the letter of resignation/removal of Lyndonville Fire Department member Bruce Fumia.

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

Report – Code Enforcement Wolfe

- No report was provided - Absent.

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Report – Attorney Bogan

- Nothing

Report – Clerk-Treasurer Woodworth

- Clerk-Treasurer Woodworth confirmed everyone received Officer Larkin’s police report.
- Clerk-Treasurer Woodworth informed the Board the Bonadio Group is done on-site for the 2019/2020 audit. The 2019/2020 AUD has been filed with the State Comptroller, a copy is on file in the Clerk’s Office.
- Clerk-Treasurer Woodworth asked for approval to make the following budget transfer:

Budget Transfers – October 2020			
Account Number	Account Name	Increase	Decrease
A0-3410-041	Fire.Radios – Pagers	\$4,497.00	
A0-3410-004	Fire Protection.Contractual		\$4,497.00

RESOLUTION NO 2020-74

BUDGET TRANSFER – OCTOBER 2020

ON MOTION of Trustee Kenyon, seconded by Trustee Woodward Jr., to approved Clerk-Treasurer Woodworth to make the budget transfer as presented.

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 September 30, 2020. Per the Bonadio Group the Board will be presented with the report on a monthly basis, required the department heads to sign after reviewing and will be audited by a trustee thereafter. Bonadio Group wanted to see more review of the budget throughout the year to ensure no accounting errors.
- Clerk-Treasurer Woodworth presented the Board with the COVID-19 moratorium on utility and municipal shutoffs. The Board asked that Clerk-Treasurer Woodworth send out the same notification when the payment reminder letters are sent out for the September billing cycle.
- Water Rate Agreement – Clerk-Treasurer Woodworth informed the Board the first stage of updating the Water Rate Agreement has been done. Superintendent Woodworth is reviewing it and would like to meet with Attorney Bogan regarding some additional changes. A draft of the revised Water Rate Agreement is expected to be ready for Board review at the October 26, 2020 workshop.
- Vouchers – Abstract A4-1 – A5 # 14599 – 14653 to be paid

General	\$ 8,408.24
Water	\$ 12,512.67
Sewer	<u>\$ 2,700.90</u>
Grand Total	\$ 23,621.81

RESOLUTION NO 2020-75

VOUCHERS TO BE PAID FOR ABSTRACTS A4-1 – A5

ON MOTION of Trustee Wilson, seconded by Trustee Holland, to have Clerk-Treasurer Woodworth pay Abstracts A3-1 – A4 # 14512 - 14595.

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

- Clerk-Treasurer Woodworth informed the Board we are still waiting on the financial documents from Main Street Lyndonville LLC to be able to get the Main Street Grant executed. LaBella Associates is working with Main Street Lyndonville LLC to get things finalized.

Report – Superintendent Woodworth

- Sidewalks - Superintendent Woodworth noted he and Trustee Holland reviewed the proposed sidewalks in need of replacement. Superintendent Woodworth informed the Board, Pro-Construction would like to wait until the spring to start the project with it being so late in the year and weather. Superintendent Woodworth added, Pro-Construction stated they will still honor the same price, Superintendent Woodworth will get it in writing.
- Leaf Pick up – Superintendent Woodworth noted the annual leaf pick will start around the last week in October, with the proposed last day to be the Wednesday before Thanksgiving.
- Superintendent Woodworth informed the Board the NY State DOT are working on improvements to the school zone with new signage for both crosswalks in the school zone, as well as extending school speed zone.
- Water Treatment Plant – Superintendent Woodworth noted the second flow meter is here and they are working on getting it installed. He also noted that repairs are going to be covered by the Village’s insurance due to lighting.

Report – Trustee Kenyon

- Trustee Kenyon inquired if all Village facilities are now back open for use. Mayor Belson stated only outdoor facilities, the Village Hall meeting room and Fire Hall are not open for use to the public.
- Trustee Kenyon asked if there are any written policies for Code Enforcement handling written complaints. Mayor Belson noted there’s a process. Trustee Kenyon stated she feels the Board needs to be more involved; as well as reports from Code Enforcement need to be more on a monthly basis.

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Report – Trustee Woodward Jr.

- Radio Tower – Trustee Woodward Jr. noted he spoke with Emergency Management Director Dale Banker regarding the Lyndonville radio tower; they are hopeful to have all the towers connected and working by December.
- Fire Contract – Trustee Woodward Jr. inquired if the Fire Protection Agreement has been fully executed. Clerk-Treasurer Woodworth stated she received the fully executed agreement back today.

Report – Trustee Holland

- Trustee Holland noted Superintendent Woodworth provided her with the contact information for National Grid, she’s going to look into moving forward with LED street lighting.
- Trustee Holland stated the Board needs to look into Code Enforcement, as far as making sure what is supposed to be happening is happening. Trustee Holland expressed her concerns with Village code/zoning in the community that are obvious not being followed.

Report – Trustee Wilson

- Trustee Wilson mentioned he’s in agreement with looking into Code Enforcement and cleaning up the Village.
- Trustee Wilson referenced the NYS COVID-19 moratorium on utility and municipal shutoffs, inquiring if the Village has to offer deferred payment plans. Attorney Bogan asked that Clerk-Treasurer Woodworth send a copy of the NYS COVID-19 moratorium on utility and municipal shutoffs notice when the payment reminder letters are sent out.
- Trustee Wilson mentioned he spoke to the Print Shop in Medina regarding the signs at the Village limits. Mayor Belson advised Trustee Wilson to reach out to the Lyndonville Lions Club for funding. Trustee Wilson noted the estimated cost would be less than \$1,000.00 per sign.

Report – Mayor Belson

- Nothing

OLD BUSINESS:

- Policing Reform Plan – Mayor Belson noted the Village will just copy the County’s plan.

NEW BUSINESS:

- Local Law 2020-2 – Sewer Use Ordinance

RESOLUTION NO 2020-76

ADOPTING LOCAL LAW 2020-2 – SEWER USE ORDINANCE

ON MOTION of Trustee Holland, seconded by Trustee Kenyon, to adopt Local Law 2020-2 – Sewer Use Ordinance as its written replacing Chapter 190 in its entirety.

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

- Village of Lyndonville Enforcement Response Guide for the Industrial Pretreatment Plan.

RESOLUTION NO 2020-77

VILLAGE OF LYNDONVILLE ENFORCEMENT RESPONSE GUIDE FOR THE INDUSTRIAL PRETREATMENT PLAN

ON MOTION of Trustee Wilson, seconded by Trustee Woodward Jr., to accept the Village of Lyndonville Enforcement Response Guide for the Industrial Pretreatment Plan as its written.

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

- 2020/2021 Appointments: Clerk-Treasurer Woodworth noted the requests from the workshop have been made.

RESOLUTION NO 2020-78

2020/2021 APPOINTMENTS

APPOINTMENTS

Budget Officer	Teri M. Woodworth
Chief of Police	John Belson
Code Enforcement Officer	Daniel Wolfe
Communications Technology Coordinator	Kimberly Kenyon
Deputy Registrar of Vital Statistics	Virginia Nicholson
Fair Housing Officer	Darren Wilson
Fire Department Liaison	Danny Woodward Jr.
Fire Department Records Officer	Teri M. Woodworth
Grants Managers	MRB Group & LaBella Associates
Historian	Teri M. Woodworth
Insurance Broker	Tompkins Insurance Agencies, Inc.
Legion & VFW Liaison	Darren Wilson
Lions Club Liaison	Danny Woodward Jr.
Orleans County Planning Board	Steve Vann, Alternate Kelly Cousins

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Parking Lots & Streets	John Belson
Parks & Pond	Darren Wilson
Planning Board Liaison	Darren Wilson
Public Safety Committee	John Belson & Danny Woodward Jr.
Records Management Officer	Teri M. Woodworth
Registrar of Vital Statistics	Teri M. Woodworth
Safety Officer	Terry M. Woodworth
Senior Citizens Rep	Anne Marie Holland
Sewer (Sanitary & Storm)	John Belson
Sexual Harassment Officer	Darren Wilson
Sidewalks	Anne Marie Holland
Street Lighting	Anne Marie Holland
Trees	Kimberly Kenyon
Village Attorney	Katherine Bogan
Village Engineer	MRB Group
Village Police Officer	William Larkin
Water Works	John Belson
Youth Rep	Kimberly Kenyon
Planning & Zoning Clerk	Teri M. Woodworth, Alternate Clerk Part-Time

Meeting Night	1st Monday of each month at 6:00pm
Next Organizational Meeting	April 5,2021
Official Newspaper	The Batavia Daily News
Planning Board Meetings	As necessary
Zoning Board Meetings	As necessary
Workshops	Monday prior to Board Meeting each month at 2:00pm

POLICIES:

Code of Ethics
Communication Technology Policy
Confined Space Policy
Disciplinary Action Guidelines
Driving of Village of Equipment Policy
Drug and Alcohol Testing Policy
Fixed Assets Policy
Investment Policy
Online Payments Policy
Photographing, Recording & Broadcasting Policy
Procurement Policy
Safety Eyeglasses Policy
Sale of Scrap Metal Policy
Sexual Harassment Policy

ADVANCE APPROVAL OF CLAIMS:

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit claims for public utility services, postage, freight, and express charges; and

WHEREAS all such claims must be presented at the next regular meeting for audit; and

WHEREAS the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the Board of Trustees disallows.

NOW THEREFORE BE IT RESOLVED;

Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows.

Section 2. That this resolution is effective immediately.

MILEAGE REIMBURSEMENT:

WHEREAS the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Village Officers and employees who use their personal automobiles while performing their official village duties;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees will approve reimbursement to such officers and employees at the rate of \$0.55 per mile.

Section 2. that this resolution is effective immediately.

ATTENDEANCE AT SCHOOLS, CONFERENCES, CLASSES AND MEETINGS:

WHEREAS there is to be held during the coming fiscal year

- a) NYCOM's Annual Meeting and Training School,
- b) NYCOM's Fall Training School,
- c) NYCOM's Public Works Training School, and
- d) Any County meetings, Mayor's Conferences, schools, workshops and NFAVO meetings; and

WHEREAS attendance by certain municipal officials, employees, Planning Board and Zoning Board members and Fire Department member at one or more of these meetings, conferences or schools benefits the municipality;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the following officers, employees and Fire Department member are authorized to attend the following schools, conferences, workshops and meetings:

- a) NYCOM's Annual Meeting and Training School,
- b) NYCOM's Fall Training School,
- c) NYCOM's Public Works Training School, and
- d) Any County meetings, Mayor's Conferences, schools, workshops and NFAVO meetings

Section 2. That this resolution is effective immediately.

DESIGNATING DEPOSITORIES

WHEREAS the Board of Trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks and trust companies for the deposit of all Village monies;

NOW THEREFORE BE IT RESOLVED;

Section 1. That the Board of Trustees designates the following institutions as depositories of all moneys received by the Village Treasurer, Clerk, and receiver of taxes: M&T Bank and NYCLASS

Section 2. That this resolution is effective immediately.

PART-TIME AND EMERGENCY HELP PAY RATE

Pay rate of part-time labor is \$10.00 at the discretion of Supt. of Public Works; rate for part-time labor (emergency) is to be \$10.00 per hour.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Kenyon, to accept the following appointments and resolutions:

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

- Conflict of Interest Policy -

No member of the Lyndonville Village Board, Village Employees or any of its Committees, shall derive any personal profit or gain, directly or indirectly, by reason of his or her or employment with the Village of Lyndonville. Each individual shall disclose to the Village any personal interest which he or she may have in any matter pending before the Village and shall refrain from participation in any decision on such matter.

A Conflict of Interest is present when, in the judgment of the Board of Trustees, a Board member, employee, or committee member's stake in the transaction is such that it reduces the likelihood that an insiders' influence can be exercised impartially in the best interests of the Village.

Each Board member, employee, or committee member shall have a duty to disclose to the Board of Trustees all material facts regarding his or her interest in the transaction, promptly upon learning of the proposed transaction. The Board shall determine if a conflict of interest exists.

If the Board of Trustees has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

If after hearing the member's response and after making further investigation as warranted by the circumstances, the Board of Trustees determines the member has failed to disclose any actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

This policy is intended to supplement but not replace any applicable State and Federal laws governing conflict of interest that may be applicable.

RESOLUTION NO 2020-79

CONFLICT OF INTEREST POLICY

ON MOTION of Trustee Wilson, seconded by Trustee Woodward Jr. , to accept the Village of Lyndonville Conflict of Interest Policy as stated.

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

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- Pandemic Operations Plan – Mayor Belson presented the Board with an email from NYCOM regarding Governor Cuomo making a law that all businesses must establish a Pandemic Operations Plan by April 1, 2021. Clerk-Treasurer Woodworth is working on writing procedures for the Clerk’s office. Superintendent Woodworth is reviewing the current emergency action plans for the DPW. Mayor Belson asked that Trustee Holland over see the Pandemic Reform Plan.

RESOLUTION NO 2020-80
PANDEMIC REFORM PLAN

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson , to have Trustee Holland to over see the Pandemic Reform Plan.

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

- Halloween Trick-or-Treating Hours – Annual Trick-or-Treating hours of 6:00pm to 8:00pm.

RESOLUTION NO 2020-81
TRICK-OR-TREATING HOURS

ON MOTION of Trustee Wilson, seconded by Trustee Kenyon , to set the 2020 Halloween Trick-or-Treating hours to be from 6:00pm to 8:00pm on October 31, 2020.

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

- Christmas in Lyndonville – Superintendent Woodworth asked the Board for approval to have the trees in the park for Christmas in Lyndonville, cancelling all of the rest of the events for that day due to pandemic.

RESOLUTION NO 2020-82
CHRISTMAS IN LYNDONVILLE

ON MOTION of Trustee Kenyon, seconded by Trustee Woodward Jr. , to allow the trees in the park for Christmas in Lyndonville this year, cancelling all other events that day due to pandemic.

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

- Use of Facilities - Fire Hall - Cleaning – Mayor Belson asked to table for now.
- Clerk-Treasurer Woodworth informed the Board that Code Enforcement Wolfe will be out of town on vacation for the next 2 weeks.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Kenyon, to adjourn the meeting at 6:59PM.

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

Teri M. Woodworth
Clerk-Treasurer