

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, February 10, 2014 at the Village Hall. Meeting opened at 7:05 p.m.

PRESENT: Mayor: Stephen C. McAvoy
Trustees: Charles Covell
James Tuk
Ellen Tuohey
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Lynda Woolston - Excused
Attorney David Schubel
Fire Chief Jason Gerety
Public:

APPROVAL OF THE MINUTES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, to accept the minutes of the January 13, 2014 Regular meeting and the January 21, 2014 Special meeting.

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

PRIVILEGE OF THE FLOOR:

- Nothing

PUBLIC HEARING – LOCAL LAW #1-2014

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to open the public hearing at 7:09pm for Local Law #1-2014 – A Local Law Authorizing the Disposal of Covered Electronic Equipment By Lyndonville Village Residents and Yates Town Residents At A Designated Site.

- Attorney Schubel stated the new Local Law gives the Superintendent of Public Works jurisdiction over the E-Waste Shed, a save harmless clause covering the Village if any personal information was to be recovered off of the electronic waste and that once the electronic waste is deposited it then becomes property of the Village and cannot be removed.

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to close the public hearing at 7:11pm for Local Law #1-2014 – A Local Law Authorizing the Disposal of Covered Electronic Equipment By Lyndonville Village Residents and Yates Town Residents At A Designated Site.

RESOLUTION NO 2014-9

LOCAL LAW #1-2014 – A LOCAL LAW AUTHORIZING THE DISPOSAL OF COVERED ELECTRONIC EQUIPMENT BY LYNDONVILLE RESIDENTS AND YATES TOWN RESIDENTS AT A DESIGNATED SITE.

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to accept Local Law #1-2014.

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

USE OF FACILITIES

- Fire Hall – Teresa Carvalho is requesting use of the Fire Hall on March 1, 2014 from 5:00pm to 9:00pm for a Birthday Party.

RESOLUTION NO 2014-10

USE OF FACILITIES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to approve the use of facilities for Teresa Carvalho to use the Fire Hall on March 1, 2014.

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

Report – Fire Chief Gerety

- Report - YTD calls – 26, MTD calls – 26 (9 – EMS in Town, 5 – EMS in Village, 1 – Auto Alarm, 1 – Pumping Detail, 1 – M/A FAST to Medina, 1 – MVA in the Village, 3 – MVA in the Town, 1 – Structure Fire in the Town and 2 – Brush Fire)
- Having a truck looked at due to some gauges frozen during the structure fire.
- Meeting Room Project should be starting soon. Superintendent Woodworth has the doors ordered and will supply the drywall.
- ARC – Mayor McAvoy inquired about the ARC’s cleaning of the fire hall. Chief Gerety stated pretty crappy, looks like they mop with muddy water and the toilets aren’t very clean. Mayor McAvoy will be contacting the ARC regarding the service.

PUBLIC HEARING – LOCAL LAW #2-2014

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to open the public hearing at 7:19pm for Local Law #2-2014 – A Local Law Requiring The Removal Of Snow And Ice From Sidewalks.

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- Attorney Schubel stated the new Local Law provides clarity that the responsibility is on the property own or tenant to clear the sidewalks by 9:00am and as needed after that based on weather conditions, as well as not allowing snow to be deposited onto the sidewalks or roads. Trustee Tuk questioned who would be responsible for enforcing any violations. The Superintendent of Public Works or any other such Village employee designated by the Mayor will take that responsibility.

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to close the public hearing at 7:25pm for Local Law #2-2014 – A Local Law Requiring The Removal Of Snow And Ice From Sidewalks.

RESOLUTION NO 2014-11

LOCAL LAW #2-2014 – A LOCAL LAW REQUIRING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to accept Local Law #2-2014.

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

- Mayor McAvoy inquired how the Fire Department members are handling the recent casualty. Chief Gerety stated everyone is doing well. They were offered counseling and have Fire Department Chaplin Bradley for support.
- Mayor McAvoy asked if a meeting has been scheduled yet with the Fire Department Board of Directors, Chief and the Village. Chief Gerety is working on it. Clerk-Treasurer Woodworth inquired if Games of Chance were going to be discussed as several things need to be cleared up. Chief Gerety stated that's the main topic of the meeting. Clerk-Treasurer Woodworth briefly described the current status of the Fire Department with New York State Gaming and Wagering. Clerk-Treasurer Woodworth is not authorized to issue any further Games of Chance licenses to the Fire Department until the issues are resolved. Chief Gerety also stated the Fire Department is looking to do some additional functions annually and they will be providing a list of those functions for approval of the Board for the future.
- Mayor McAvoy inquired how things were going with the Fire Departments budget as it will need to be to the Budget Officer by February 20, 2014.

Report – Code Enforcement Woolston

- Clerk-Treasurer Woodworth gave report of Code Enforcement Rue – 1 - Complaint Received and Closed, 1 – 1203 Inspection and 1 – 1203 Re-Inspected. Code Enforcement Rue has returned his keys and all Village property.

Report – Attorney Schubel

- Overpayment of Prior Clerk-Treasurer – Attorney Schubel he received a call that the Village has been paid. Clerk-Treasurer Woodworth did confirm she received a check in the amount of \$616.00 and that Prior Clerk Ames is paid in full.
- Capitalization Policy – Attorney Schubel provided an updated policy with the Board's request to change the threshold to \$1,000.00. Clerk-Treasurer Woodworth stated the fixed assets audit is complete from Industrial Appraisal and she will obtain a comparison in price from Industrial Appraisal verses KVS for future to maintain the information. Clerk-Treasurer Woodworth presented the Board with the results of the fixed assets audit and will forward that information via email as requested for review. Fiscal Years 2010/2011, 2012/2013 and 2013/2014 need to be audited now that we have the fixed assets results.

RESOLUTION NO 2014-12

CAPITALIZATION POLICY

ON MOTION of Trustee Covell, seconded by Trustee Woodward Jr., to accept the update Capitalization Policy changing the threshold to \$1,000.00.

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

- Disability Policy – Still waiting for the Fire Department and Auxiliary to work out what they are looking for in the policy and present it to the Village Board for review.
- SBA Agreement – Attorney Schubel is okay with SBA's Agreement except its written for a corporation and all the shareholders to sign. Attorney Schubel will revise it to be more fitting to the Village, authorizing the Mayor as the designated signor.

RESOLUTION NO 2014-13

SBA AGREEMENT

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to approve the SBA Agreement upon Attorney Schubel making the necessary changes authorizing the Mayor to execute the agreement.

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

Report – Clerk-Treasurer Woodworth

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- Credit Card Payments – The Village is now setup to accept credit card payments both in the office and on the website. Clerk-Treasurer Woodworth has accepted three credit card payments since the 80 final shut off notices went out on Tuesday February 4, 2014.
- Working on the 2014/2015 Budget.
- Health Insurance – Clerk-Treasurer Woodworth met with MVP regarding the new health insurance plans. MVP needs to gather some additional information and then the Board will need to discuss which plan to go with. Only thing the Board can expect is an increase in cost at this point.
- Grant Funds - Received \$5,000.00 back in grant funds from NYS for the 2008/2009 Water mapping project.
- W2's have been sent out, yearend filing is complete and working on the 1099's that are due by February 28, 2014.
- Elections Inspectors – The Board needs to appoint a Chairman of the appointed Elections Inspectors and set their compensation. Trustee Covell recommended Carla Woodworth be the Elections Inspector Chairman given she's worked a Village election in the past. Mayor McAvoy would like to set the compensation at \$9.00 per hour for the Village Elections Inspectors.

RESOLUTION NO 2014-14
MARCH 18, 2014 ELECTION INSPECTOR CHAIRMAN

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to appoint Carla Woodworth as the Chairman of the Election Inspectors for the March 18, 2014 Village Elections.

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

RESOLUTION NO 2014-15
ELECTION INSPECTOR'S COMPENSATION

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to set the compensation for the Village Elections Inspectors at \$9.00 per hour.

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

- Vouchers – Abstract A9 #1245- 1296 to be paid

General	\$ 20,083.22
Water	\$ 10,185.08
Sewer	\$ 22,272.33
Grand Total	\$ 52,540.63

RESOLUTION NO 2014-16
VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to have Clerk-Treasurer Woodworth to pay Abstract A9Vouchers #11245 - #1296.

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

- NYCLASS – ADMENDMENT DATED AS OF MARCH 14, 2014 TO THE NEW YORK COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM MUNICIPAL COOPERATION AGREEMENT AS AMENDED AND RESTATED AS OF APRIL 23, 2012
The Municipal Cooperation Agreement referenced above is hereby amended so that the following changes are made:
 - 1) The NYCLASS Investment Policy better conforms to New York Stated General Municipal Law.
 - 2) The Governing Board is empowered with the ability to further amend the Investment Policy without further amendment to the cooperative, but while still maintaining appropriate notice to Participants.
 - 3) Allows for the potential creation of other investment options as market conditions change or improve over time.

RESOLUTION NO 2014-17
MUNICIPAL COOPERATION RESOLUTION

WHEREAS, New York General Municipal Law, Article 5-G, section 119-o (“Section 119-o” empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts boards of cooperative educational services, counties, cities, town and villages] and districts to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers the duties on a cooperative or contract basis;

WHEREAS, the Village of Lyndonville wishes to invest certain of its available investment funds in cooperative with other corporations and/or districts pursuant to a municipal cooperation agreement;

WHEREAS, the Village of Lyndonville wishes to assure the safety and liquidity of its funds;

Now, therefore, it is hereby resolved as follows:

Teri M. Woodworth is hereby authorized to execute and deliver the Cooperative Investment Agreement in the name of and on behalf of the Village of Lyndonville.

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

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Report – Superintendent Woodworth

- Cube Van – Should have a replacement by the end of the week.
- We have been pumping a lot of water the last several days. Superintendent Woodworth was notified of a two inch line that burst at Mizkan, the Town of Yates has found a small leak that needs to be repaired and a meter with water running straight through it at a cottage. Also Lyndonville Central School had a water line burst in the Housel Avenue parking lot on Sunday night (2/9/2014).
- Waste Water Treatment Plant – Still having some issues with HMI screens, they are separating everything from the pump control / communication as they are concerned there is too much communication and it can't keep up with it. When modifications were made two of the lift stations were swapped. Superintendent Woodworth has been having power failure issues at the wrong lift station for a week until this was discovered. National Grid has placed a recorder on at the Miller Drive lift station to see what is calling a power failure every time the lift station pump kicks on. National Grid may need to increase the service supply for that area. The Village may also need to replace the 100 amp service. National Grid will advise.
- Sidewalks – Superintendent Woodworth inquired if the Board wanted to spend more money and do more work if so it would need to be put back out to bid. The Board discussed the refund received in CHIPS aid from the New York stated from paving Lake Avenue and Willowbrook Drive, those additional funds could be transferred to sidewalks so additional work can be done. Superintendent Woodworth wondered if some of the funds could be put towards purchasing a used piece of equipment to plow sidewalks with four foot v plow. Superintendent Woodworth also advised several of the DPW vehicles are getting really bad and need to be replaced soon, both trucks and the x-mark mower used on the balls fields. Trustee Tuk asked for a list of equipment in need of replacement and estimated cost. Clerk-Treasurer Woodworth stated there are additional funds in the Sewer Capital bank account that the Village received back from USDA that a portion was originally a loan from the general fund that possibly could assist in some of the equipment costs.

RESOLUTION NO 2014-18

BIDS FOR SIDEWALK PROJECT

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to bid the 2013/2014 fiscal year sidewalk project giving until February 28, 2014 to get bids in for the project, with the spending limit not to exceed \$25,000.00.

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

Report – Trustee Tuohey

- Nothing

Report – Trustee Tuk

- Nothing

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Covell

- Provided proof of his tetanus shot.

Report – Mayor McAvoy

- Nothing

OLD BUSINESS:

- Vest for Police Officer – The Village has been approved for grant funds to purchase a vest. Mayor McAvoy will be working with Officer Riemer to get one ordered and the vest will belong to the Village.

NEW BUSINESS:

- Deputy Clerk – Clerk-Treasurer Woodworth brought to the Board's attention that the Village hasn't been reconciled at all for the fiscal year of 2013/2014 and she feels it's in the best interest of the Village to start considering a Deputy Clerk. The Board discussed the concerns of how many hours and duties as well as the need for coverage when Clerk-Treasurer Woodworth has time off.
- Cell Phone for Code Enforcement – Code Enforcement Woolston currently has a cell phone paid for 100% by the Town of Carlton and doesn't feel comfortable giving out that number for Village of Lyndonville use. Clerk-Treasurer Woodworth recently switched the Village's cell phone plan with AT&T which will be saving approximately \$35.00 a month. If the Village was to add an additional cell phone on the plan and split the cost 50/50 with the Town of Carlton the cost would be approximately \$17.00 per municipality. Attorney Schubel will draft a shared services agreement with the Town of Carlton and Code Enforcement Woolston outlining the terms of the agreement if the Board so chooses.

RESOLUTION NO 2014-19

CELL PHONE SHARED SERVICES AGREEMENT

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, February 10, 2014 at the Village Hall. Meeting opened at 7:05 p.m.

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth add an additional cell phone to the Village's plan, with Attorney Schubel provide and executed shared services agreement with the Town of Carlton and Code Enforcement Woolston if the Town of Carlton so chooses to agree.

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

- Fiscal Stress – Clerk-Treasurer Woodworth provided the Board with the results from New York State Comptroller that the Village scored a 20.8% which has no designation.

ON MOTION of Trustee Covell, seconded by Trustee Woodward Jr., to adjourn the meeting at 8:51 p.m.

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

Teri Woodworth
Clerk-Treasurer