

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, February 9, 2015 at the Village Hall. Meeting opened at 6:02 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	Aaron Young
	Attorney	David Schubel
	Fire Chief	Jason Gerety
	Public:	John & Barb Champlin

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Tuk, seconded by Trustee Woodward Jr., to accept the minutes of the January 12, 2015 Regular meeting.

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

**PRIVILEGE OF THE FLOOR:**

- Nothing

**USE OF FACILITIES**

- Fire Hall – Mickie Schuner is requesting use of the Fire Hall on February 21, 2015 from 3:00pm to 10:00pm for a birthday party.
- Fire Hall – Tylor Heideman is requesting use of the Fire Hall on March 8, 2015 from 3:30pm to 6:00pm for a birthday party.
- Fire Hall – Teresa Carvalho is requesting use of the Fire Hall on March 21, 2015 from 12:00pm to 6:00pm for a baby shower.

**RESOLUTION NO 2015-16**

**USE OF FACILITIES**

**ON MOTION** of Trustee Covell, seconded by Trustee Tuk, to approve the use of facilities for Mickie Schuner to use the Fire Hall on February 21, 2015 for a birthday party, Tylor Heideman to use the Fire Hall on March 8, 2015 for a birthday party and Teresa Carvalho to use the Fire Hall on March 21, 2015 for a baby shower.

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

- Lake Avenue Ball Fields - Medina Powder Puff/Medina Fillies are requesting use of the Lake Avenue Ball Fields from April 2015 - August 2015. They will provide the appropriate insurance and a schedule of the dates and times.

**RESOLUTION NO 2015-17**

**USE OF FACILITIES**

**ON MOTION** of Trustee Covell, seconded by Trustee Tuk, to approve the use of facilities for the Medina Powder Puff/Medina Fillies to use the Lake Avenue Balls Fields pending the proper insurance and a schedule is provided to Clerk-Treasurer Woodworth prior to using the facilities.

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

**Report – Code Enforcement Young**

- Report: 1 - Building Permits, 1 - Appearance Ticket and 1 - Demolition Permit.
- Mayor McAvoy asked Code Enforcement Young to check out the property behind the Ho-Jack Ice Cream Shack once the snow melts.
- Mr. Champlin inquired if a fence was required between the Creekside Laundromat's property and Johnson's Creek. Code Enforcement Young stated Creekside Laundromat is in the central business district and has different requirements but he would check into it.

**Report – Fire Chief Gerety**

- Report - YTD calls – 16, MTD calls – 16, 2 – EMS in Town, 6 – EMS in Village, 3 – Automatic Alarm, 1 - M/A FAST to Medina, 1 - M/A to Ridgeway, 1 - M/A to Carlton and 2 - Hazardous Condition.
- New Members - Scott Buffin, Gary Daum, Peter Kage and Robert Hopper - have completed all the necessary paperwork. Clerk-Treasurer Woodworth asked if they have completed their required drug testing. Chief Gerety was unaware of the required drug test and will be sure it happens going forward and the results are sent to Clerk-Treasurer Woodworth.

**RESOLUTION NO 2015-18**

**NEW MEMBERS SCOTT BUFFIN, GARY DAUM, PETER KAGE AND ROBERT HOPPER**

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**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Tuohey to approve new Lyndonville Fire Department members Scott Buffin, Gary Daum, Peter Kage and Robert Hopper pending the results of their drug tests.

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

- Public Safety Meeting - Chief Gerety mentioned the Public Safety meeting on February 5th. He expressed concern in the significant decrease in the Fire Departments 2014/2015 budget and asked for clarification as to why. Clerk-Treasurer Woodworth explained that the Fire Department's budget has been over budgeted for the last several years in insurances and utilities as example. Clerk-Treasurer Woodworth noted the Fire Departments proposed budget was trimmed and sent back to them and explained why and no concerns were expressed at that time. She also stated the Village's entire budget was trimmed last year due to tax cap requirements and concerns of over taxing residents. Chief Gerety stated it was his understanding that what wasn't spent in a given budget year of the Fire Department's budget went automatically into the Fire Reserve account with NYCLASS. Clerk-Treasurer Woodworth stated in the past by Board approved resolution funds were deposited in the NYCLASS Fire Comp Reserve account but it's something that the Board would need to do by resolution upon request of the Fire Department each year. Chief Gerety inquired why deposits were not made into the Fire Comp Reserve count in the past when it was budgeted for and what happened to the Town of Yates contribution if it wasn't deposited. The Board explained to Chief Gerety unexpended funds don't roll over from year to year they become appropriated fund balance for the next budget year and there is no way at this point to go back and make any adjustments to prior budget years. Chief Gerety stated the Department needs to replace seventeen air bottles in the coming year as well as some helmets and his request for a new fire truck. Trustee Covell stated the committee needs to meet again soon given budgets are due to the budget officer by March 20th.

**Report – Attorney Schubel**

- Nothing

**NEW BUSINESS:**

- Local Law 1987-1 - Providing for the Repair or Removal of Unsafe Buildings and Collapsed Structures - The Board discussed the ridiculous costs associated with demolition of a condemned structure. Attorney Schubel noted it's an issue with all municipalities especially in Orleans County. Orleans County will be meeting with Niagara County next month to discuss what other options are out there as well as how to handle. The Board is considering amending Local Law 1987-1 to add daily fees if a property is condemned and ordered to be demolished, however the general consensus is it won't make any difference especially with properties that are in foreclosure.
- Planning Board - The Village does not have a Local Law creating a Planning Board. The Village Board need to decide if they want to have a Planning Board or not and either way a Local Law needs to be done to create one or to do away with it.
- Sealed Bids - 2002 Chevrolet Silverado -

Name	Bid Amount
Shawn Stephens	\$901.50
Todd Wells	\$3,333.00
Carol Recco	\$1,675.00
Tim Feldman	\$2,426.00
Jason Raduns	\$1,800.00
Country Contracting Inc.	\$4,100.00
Ron Jurs	\$4,000.00
Keeler Construction	\$2,800.00
Mike Gaddis	\$2,005.00

**RESOLUTION NO 2015-19**

**SEAL BIDS FOR THE 2002 CHEVROLET SILVERADO**

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey, to accept Country Contracting Inc's bid of \$4,100.00 for the 2002 Chevrolet Silverado and that payment must be received within seven to ten days.

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

**Report – Clerk-Treasurer Woodworth**

- Excessive Use Forgiveness - Clerk-Treasurer Woodworth asked the Board to sign off on the \$5,487.10 in forgiveness they authorized last month.
- Police Report - Confirmed everyone received Officer Larkin's police report.
- Orleans County Resolution NO. 77-205 - Clerk-Treasurer Woodworth will forward the Village's resolution to all municipalities in Orleans County now the Board has approved the minutes from the January Board Meeting.
- Time Warner Cable - Will be issuing refunds to the Fire Hall account for \$349.31, DPW Garage account for \$ 347.22 and the Village Hall account for \$ 351.84, a total refund of \$1,048.37 for sales tax from 2007 to 2014.
- Bonadio Group - Should be done soon auditing fiscal years 2013 and 2014, they have sent over a few more additional requests.
- Water/Sewer payments were due today.
- Budgets due to the Budget Officer by March 20, 2015.

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- NM-123-4 - Currently has a credit of \$16.83 and the owner Mary Washak called on January 13, 2015 requesting the credit be refunded to her.

**RESOLUTION NO 2015-20**  
**REFUND OF OVERPAYMENT**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Covell to authorized Clerk-Treasurer Woodworth to refund the credit of \$16.83 back to Mary Washak.

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

- Vouchers – Abstract A9 #2213 - 2269 to be paid

General	\$ 25,544.72
Water	\$ 36,661.19
Sewer	\$ 23,879.23
Payroll	\$ 8,713.22
<b>Grand Total</b>	<b>\$ 94,756.53</b>

**RESOLUTION NO 2015-21**  
**VOUCHERS TO BE PAID**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Woodward Jr. to have Clerk-Treasurer Woodworth to pay Abstract A9 Vouchers #2213-2269.

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

**Report – Superintendent Woodworth**

- E-Waste shed - The Town of Yates will be discussing at their workshop the future of the E-Waste shed. CRT televisions are no longer accepted. The E-waste shed was emptied Saturday morning and six CRT televisions were left which is now the Village's responsibility to store or dispose of properly. Albion Redemption will continue to take electronics however the items would need to be bundled and delivered to them. The Board discussed the option of possibly doing a monthly drop off and sharing the duties between the Village and the Town for delivery. Trustee Tuk will get together with Town Councilman Wes Bradley to discuss things further.
- Rescind - RESOLUTION NO 2015-9 - RENTAL AGREEMENT

**RESOLUTION NO 2015-22**  
**RESCIND RESOLUTION 2015--9**

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey, to rescind Resolution No 2015-9 for a Rental Agreement with Scott Woodworth.

**Report – Trustee Tuohey**

- Nothing

**Report – Trustee Tuk**

- Sidewalks - Trustee Tuk hopes to have funds to do another sidewalk project in the 2015/2016 budget year.

**Report – Trustee Covell**

- Nothing

**Report – Trustee Woodward Jr.**

- Nothing

**Report – Mayor McAvoy**

- Nothing

**OLD BUSINESS:**

- Village Zoning Map - Code Enforcement Young has sent the necessary paper to the Orleans County Planning Board for review on February 26, 2015 meeting. From there the Village will have a public hearing to amend the zoning map, proper notification will be sent out once the Board sets the public hearing.
- Town of Yates Water Rate Agreement - AGREEMENT

AGREEMENT dated as of the 1<sup>st</sup> day of January, 2014, by and between the Town of Yates (hereinafter “Yates”) and the Village of Lyndonville (hereinafter “Lyndonville”).

WHEREAS, Yates and Lyndonville entered into a Municipal Cooperation Agreement dated June 2, 1994, and

WHEREAS, Yates and Lyndonville subsequently entered into an Agreement dated as of the 1<sup>st</sup> day of March 2013, a copy of which is annexed hereto as Exhibit “A”, and

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WHEREAS, on April 16, 2013 Lyndonville issued \$1,905,000 Public Improvement Refunding Serial Bonds 2013 for refunding older USDA Rural Development Bonds for the projects of the water tower, the joint intake, the 4<sup>th</sup> cell filter and the water plant upgrade, and

WHEREAS, Yates and Lyndonville wish to set forth in writing the details of the annual debt service payments that will be paid by Yates and Lyndonville as a result of the lower interest rates realized as a result of refunding the older USDA Rural Development bonds, and

WHEREAS, Municipal Solutions, Inc., fiscal advisor to Yates and Lyndonville, has prepared schedules which set forth the old USDA Rural Development debt, the new Refunding Bond debt service and a breakout of the Yates and Lyndonville payments based upon the Village's fiscal year and a separate schedule based upon the Town's fiscal year, copies of the said schedules are annexed hereto and made a part hereof as Exhibit "B", and

WHEREAS, the schedules as prepared by Municipal Solutions, Inc. reflect the amounts that each municipality will pay toward these projects going forward effective January 1, 2014,

NOW, THEREFORE, in consideration of the premises, Yates and Lyndonville agree as follows:

1. Section 3 of the Agreement dated as of the 1<sup>st</sup> day of March, 2013, a copy of which is annexed hereto as Exhibit "A", is hereby rescinded.
2. The schedules annexed hereto as Exhibit "B" correctly set forth the contributions towards the debt service for each project (water tower, joint water intake, 4<sup>th</sup> cell filter and water plant upgrade) to be paid by Yates and Lyndonville, effective January 1, 2014 and thereafter, and each municipality shall pay their respective amounts as set forth in Exhibit "B".
3. In order to address subjects of concern to either Yates or Lyndonville, it is hereby agreed that representatives of the respective Boards of Yates and Lyndonville shall meet semiannually, in March and September of each calendar year, to facilitate discussion.

**RESOLUTION NO 2015-23**

**WATER RATE AGREEMENT WITH THE TOWN OF YATES**

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey to except the Water Rate Agreement as it reads and authorized Mayor McAvoy to execute the agreement.

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

**ON MOTION** of Trustee Covell, seconded by Trustee Tuohey, to adjourn the meeting at 7:32 p.m.

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

*Teri Woodworth*  
Clerk-Treasurer