

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, March 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 - Absent
	Attorney	David Schubel
	Fire Chief	Jason Gerety - Excused
	Public:	Kelly Cousins, Vernon Fonda, Rob Woolley

APPROVAL OF THE MINUTES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, to accept the minutes of the February 10, 2014 Regular meeting.

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

PRIVILEGE OF THE FLOOR:

- Vernon Fonda introduced himself as a new resident to Lyndonville as well as a New York State DEC Officer. And stated he's on call twenty-four hours if assistance is needed when Officer Riemer is off duty. Mr. Fonda is very excited to be a part of the community and looks forward to helping out with anything he can. Mr. Fonda expressed his concern with the creek access next to the library and would like to see what can be done to put in some steps. He also offered to be of assistance with policing the camper situation behind the DPW this year.

USE OF FACILITIES

- Fire Hall – Rob Woolley is requesting use of the Fire Hall on April 19, 2014 from 1:00pm to 12:00am for a Birthday Party.

RESOLUTION NO 2014-20

USE OF FACILITIES

ON MOTION of Trustee Covell, seconded by Trustee Woodward Jr., to approve the use of facilities for Rob Woolley to use the Fire Hall on April 19, 2014.

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

- Fire Hall – Donald Starr is requesting use of the Fire Hall on April 26, 2014 from 12:00pm to 8:00pm for a benefit for Paul Lauricella.

RESOLUTION NO 2014-21

USE OF FACILITIES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, to approve the use of facilities for Donald Starr to use the Fire Hall on April 26, 2014.

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

- Veterans Park – Crystal Petrie is requesting use of Veterans Park on June 28, 2014 from 1:00pm to 5:00pm for a wedding.

RESOLUTION NO 2014-22

USE OF FACILITIES

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk, to approve the use of facilities for Crystal Petrie to use Veterans Park on June 28, 2014.

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

- Lake Avenue Ball Fields – Lyndonville/Somerset Baseball is requesting use of the Lake Avenue Ball Fields from March 16, 2014 to July 1, 2014 from 3:00pm to 9:00pm and Saturdays from 9:00am to 5:00pm. The Board discussed their concerns of using the Ball Fields starting March 16, 2014 given the winter weather conditions. The Board recommended the dates of April 13, 2014 to July 1, 2014 contingent on Superintendent Woodworth's approval to use the fields and on the Little League providing a schedule when the fields would be used.

RESOLUTION NO 2014-23

USE OF FACILITIES

ON MOTION of Trustee Covell, seconded by Trustee Tuk, to approve the use of facilities for the Lyndonville/Somerset Baseball for the Lake Avenue Ball Fields from April 13, 2014 to July 1, 2014 contingent on Superintendent Woodworth's approval to use the fields and on the Little League providing a schedule when the fields would be used.

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

- Lake Avenue Ball Fields – Yates Community Library is requesting use of the Lake Avenue Ball Fields on June 24, 2014 with a rain date of June 26, 2014 for a model rocket workshop and launch.

RESOLUTION NO 2014-24
USE OF FACILITIES

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to approve the use of facilities for the Yates Community Library to use the Lake Avenue Ball Fields on June 24, 2014 with a rain date of June 26, 2014 contingent on Clerk-Treasurer Woodworth receiving the certificate of insurance.

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

NEW BUSINESS:

- Sidewalk Bids - Clerk-Treasurer Woodworth received two bids for sidewalks, the third company wasn't able to comply with the prevailing wage and certified payroll requirements. The Board compared the quotes to last year's.

Sidewalk Bids 2014

Company Name:	4 Inch	6 Inch
Campobello Construction	\$7.95	\$8.95
Pro Construction	\$6.20	\$6.80

RESOLUTION NO 2014-25
ACCEPTANCE OF SIDEWALK BID FROM PRO CONSTRUCTION

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to accept Pro Constructions bid for sidewalk replacement on Maple Avenue with the project to be completed no later than May 23, 2014.

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

- Code Enforcement - Code Enforcement Woolston has given her resignation effective March 11, 2014. The Board asked Clerk-Treasurer Woodworth to place an employment ad in the paper for Code Enforcement.
- 2011/2012 Financial Audit Draft - Clerk-Treasurer Woodworth provide the Board with a copy of the 2011/2012 Financial Audit draft from Toski & Co.
- Orleans County Resolutions
 - SUPPORTING NEW YORK STATE ASSEMBLY BILL A-07588 KNOWN AS THE RURAL BROADBAND DEPLOYMENT ACT WHICH PROMOTES RURAL BROADBAND DEPLOYMENT BY PROVIDING RESIDENTS AND SMALL BUSINESSES WITH TAX CREDITS FOR BROADBAND DEPLOYMENT

RESOLUTION NO 2014-26
SUPPORTING NEW YORK STATE ASSEMBLY BILL A-07588 KNOWN AS THE RURAL BROADBAND DEPLOYMENT ACT WHICH PROMOTES RURAL BROADBAND DEPLOYMENT BY PROVIDING RESIDENTS AND SMALL BUSINESSES WITH TAX CREDITS FOR BROADBAND DEPLOYMENT

WHEREAS, high-speed Internet service is essential for commercial economic growth, for our education systems, and the overall well-being of our citizens; and

WHEREAS, the Internet Innovation Alliance has published the following statistics relative to broadband access and jobs:

- *More than 62% of American workers, including our farmers, rely on the Internet to do their jobs*
- *Among U.S. workers, 14% telecommute or work from home at least one day a week*
- *Jobs that depend upon broadband availability are projected to increase 25% by 2018*
- *37% of employees say the ability to telecommute would cause them to choose one job over another*
- *Job seekers had a 27% increase in success by using social networks to generate referrals*
- *Nearly 75% of public libraries offer computer resources for job seekers*
- *Nearly 18% of new jobs in North Carolina were created as a direct result of broadband*
- *In Minnesota, 60% of unemployed adults, 30% of homemakers, and 17% of retirees say they would likely join the workforce if empowered by teleworking*
- *A \$10 billion investment in broadband would produce nearly 500,000 new jobs*
- *Local economic growth and secondary investment enabled by broadband expansion is 10 times the initial investment; and*

WHEREAS, there are significant areas of the County without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density; and

WHEREAS, the County has made broadband deployment a priority as evidenced by their commitment to having a broadband study performed (under the umbrella of the Niagara-Orleans Regional Alliance (NORA)) which will identify broadband deficiencies and potential solutions to address the deficiency; and

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WHEREAS, broadband providers have not found it economically feasible to provide broadband services to many of the remote areas of the County; and

WHEREAS, New York State Assembly bill A-07588, known as the Rural Broadband Deployment Act, would promote rural broadband deployment by providing residents, and small business with tax credits for broadband deployment; and

WHEREAS, the bill would allow for residents, municipalities, and small business in un-served areas to come together, pool their economic power, and select a broadband provider to deploy services to their area; and

WHEREAS, any eligible out of pocket expenses the resident, municipalities, or small business incurs for the construction of the network, would be eligible for a 100% refundable tax credit over 5 years; and

WHEREAS, the New York State Senate has passed companion bill S-05481 in support of the Rural Broadband Deployment Act; now, therefore be it

RESOLVED, that the Orleans County Legislature supports New York State Assembly bill A-07588, known as the Rural Broadband Deployment Act; and be it

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

- REQUEST TO THE INTERNATIONAL JOINT COMMISSION TO REJECT THE PROPOSED PLAN 2014 IN ITS ENTIRETY

RESOLUTION NO 2014-27

REQUEST TO THE INTERNATIONAL JOINT COMMISSION TO REJECT THE PROPOSED PLAN 2014 IN ITS ENTIRETY

WHEREAS, the International Joint Commission (IJC) has announced consideration of a new plan that will replace the current regulation plan (58DD) that controls water levels of Lake Ontario and the stated purpose of the new plan, known as PLAN 2014 is to reverse environmental damage caused by the current regulation plan (58D), particularly with regard to the restoration of 65,000 acres of shoreline meadow marsh; and

WHEREAS, PLAN 2014 will increase the current range of water levels that private and public riparian property owners relied on for the last 50 years and according to a peer review conducted by the National Academy of Sciences, the potential environmental benefits of the PLAN 2014 are based upon speculative and unreliable research; and

WHEREAS, projected lake levels under the proposed plan will result in increased duration and frequency of high and low water, significantly increasing the potential for damages to Lake Ontario riparians (estimated at over \$2.2 million per year, which is likely an underestimate) and negatively impacting sport fishing and recreational boating economics across the entire region (estimated at over \$94 million per year); and

WHEREAS, PLAN 2014 greatly decreases protections that exist in the current plan, replacing them with a plan that results in the transfer of prosperity from Niagara County along with other Lake Ontario communities to Hydropower (NYPA and others) who will realize a benefit of approximately \$5.3 million per year on average; and

WHEREAS, Orleans County residents who own property or businesses along the Lake Ontario shore, including its bays, tributaries, and ponds have voiced their concern about a proposed change in the lake levels that would result in significant damage to their properties, and a corresponding decrease in revenues from recreational boaters and fishermen, both locally-based and those traveling internationally; and

WHEREAS, Orleans County residents and elected officials are resolute in protecting the waters, streams, and harbors of Lake Ontario, the home for some of the best sport fishing, pleasure sailing and power-boating in the world; and

WHEREAS, modifying the current range of operation by PLAN 2014 further hinders boating access and when combined with the protracted absence of federal funding for maintenance dredging of our federal shallow draft harbors, will cause significant and measurable negative financial impacts to the local and regional economy; now, therefore be it

RESOLVED, the Orleans County Legislature does herewith respectfully request that the International Joint Commission *reject* in its entirety all current plans for the implementation of the PLAN 2014; and be it

FURTHER RESOLVED, that the IJC immediately enact a moratorium on the development of any future proposals to modify the range of water levels on Lake Ontario until the completion of a thorough, objective and all inclusive analysis of the potential economic damages on tourism, recreation, business and residences along the south shore of Lake Ontario (including properties located along harbors, rivers and streams) with a specific section dedicated to the thorough evaluation of damages in Orleans County where impacts have been identified as the most acute; and be it

FURTHER RESOLVED, that as part of this study, the Orleans County Legislature further recommends the Commission also assess the amount of civil work and financial assistance required to mitigate the damage of any future plans, and identify funding sources available to offset said actions; and be it

FURTHER RESOLVED, that this study must also evaluate the environmental impacts of repeated flooding of the built environment, to include the identification of the constituents of point and non-point source runoff and the impacts of sediment and nutrient loading on the quality of water in the impacted areas; and be it

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

- ALTERNATIVE TO THE PROPERTY TAX FREEZE THAT WILL LEAD TO PERMANENT AND HISTORIC PROPERTY TAX REDUCTIONS BY ELIMINATING THE COST OF STATE MANDATED SPENDING IMPOSED ON COUNTY PROPERTY TAXPAYERS

RESOLUTION NO 2014-28

TO SUPPORT THE ALTERNATIVE TO THE PROPERTY TAX FREEZE THAT WILL LEAD TO PERMANENT AND HISTORIC PROPERTY TAX REDUCTIONS BY ELIMINATING THE COST OF STATE MANDATED SPENDING IMPOSED ON COUNTY PROPERTY TAXPAYERS

WHEREAS, the Governor and State Legislature have prioritized property tax relief as necessary to help improve New York's economic competitiveness especially in struggling upstate areas where the high property tax burden has contributed to a loss of economic opportunity, industrial and business decline, and flat or negative population growth over the last two decades; and

WHEREAS, the Governor has proposed a two year property tax freeze in these same economically burdened areas, that includes a state financed rebate for any increase in property taxes in municipalities that stay within the state imposed property tax cap over the next two years, while also pursuing shared services or consolidation of functions with other local governments in the second year; and

WHEREAS, the proposed property tax freeze would create a new layer of tax bureaucracy and procedures with unknown costs to the taxpayers, which have not been adequately analyzed, calculated, and publicly discussed; and

WHEREAS, county government has been a strong proponent of increasing cooperation, sharing services and consolidating major governmental functions across multiple jurisdictions as highlighted in the 2013 Cornell University study, "Shared Services in New York: A Reform That Works"; and

WHEREAS, recent law changes enacted by the Governor and State Legislature to cap the growth in county Medicaid costs and the creation of another pension tier will help reduce pressure on future county property tax levy growth, especially in 2020 and beyond; and

WHEREAS, county elected leaders strongly support meaningful state and county efforts to lower the property tax burden for homeowners and businesses across the state; and

WHEREAS, the levying of county property taxes is directly linked to state mandated spending as county governments act as the state's administrative arm through the delivery and financing of state programs; and

WHEREAS, county officials believe the best way to improve New York's economic climate and competitiveness is to reduce property taxes through fundamental reform of state mandates that directly impacts the causes of high property taxes and not simply the symptoms (not just slow the rate of growth); and

WHEREAS, recognizing the need for property tax relief and consistent with the call for realignment of responsibilities between governments, aligning the cost of the state's human services programs with the government obligated to provide them will result in a historic and sustainable reduction in county property taxes and a more appropriate and equitable distribution of the cost of the state's human services programs; and

WHEREAS, the cost of paying for the state Medicaid program in a typical county (outside of New York City) equals about one half of the county property tax levy; and

WHEREAS, the benefits, scope and ultimate cost of Medicaid has been set and controlled by the State for nearly 50 years, but not fully financed with state resources, therefore transferring a significant cost burden to local property tax payers that contributes greatly to the disparity between property taxes in New York State and those in other states; and

WHEREAS, New York City tax payers also dedicate a large amount of locally raised non-property taxes to support the State Medicaid program; now therefore be it

RESOLVED, that counties find no quantifiable evidence that the property tax freeze would result in significant property tax relief, while a phased state takeover of the costs of its own mandated human services, starting with Medicaid, would provide immediate, permanent and measurable property tax reduction; and be it

FURTHER RESOLVED, the state should also provide fiscal relief to New York City for a portion of the local taxes they commit to state mandated programs; and be it

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FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and be it

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

Report – Fire Chief Gerety

- Excused
- Clerk-Treasurer Woodworth gave report - YTD calls – 45, MTD calls – 18 (10 – EMS in Town, 3 – EMS in Village, 1 – MVA in the Town, 1 – Tractor Fire, 1 – Pumping Detail, 1 – Gas Call, and 1 – M/A FAST to Medina)

Report – Code Enforcement Woolston

- Nothing - Absent

Report – Attorney Schubel

- Nothing - Just assisting Clerk-Treasurer Woodworth when needed

Report – Clerk-Treasurer Woodworth

- NYS Retirement Letter - Resolved two issues, everything else had already been addressed.
- Orleans County Personnel & Self Insurance - Now requiring a copy of the NYS 45 every quarter.
- Health Insurance - MVP provided new plan information that was forwarded to the Board for their review.
- Games of Chance - Clerk-Treasurer Woodworth and Mayor McAvoy had a meeting with the LFD to straighten out what is needed to get the Fire Department back in compliance with NYS Gaming and Wagering. As of today Clerk-Treasurer Woodworth has not received anything from the Fire Department regarding the missing reports or their 2014 Games of Chance license.
- 2014/2015 Budget - Working on the Budget, reminder all budgets are due by March 20, 2013 to the Budget Officer.
- 1099's - Are done and have been sent out.
- Working on amended W2 and quarterlies for prior Clerk Ames.
- Credit Card Payments - We had 10 customers pay via credit card either over the phone or in the office. This was approximately \$1,800.58 just from shut off notices.
- Vouchers – Abstract A10 #993, #1304- 1450 to be paid

General	\$ 16,025.35
Water	\$ 62,423.37
Sewer	\$ 5,990.59
Sewer Capital	\$ 4,995.00
Grand Total	\$ 89,434.31

RESOLUTION NO 2014-29

VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth to pay Abstract A10 Vouchers #993, #1304-#1450.

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

Report – Superintendent Woodworth

- Riverside Street - Received several complaint about a street light being out. Superintendent Woodworth called it in several times. The light is currently working. Clerk-Treasurer Woodworth has added a link to the Village website for anyone to report a street light out with National Grid.
- Fire Department - Orleans County inmates are working on the floors at the Fire Department. Superintendent Woodworth mentioned shared services with Lyndonville Central School and Medina Central School for helping with materials and equipment for the inmates to use on the floors.
- Waste Water Treatment Plant - Suburban Electric and Danforth have been in to review the Waste Water Treatment Plant to address some concerns and to finish up everything from the Capital Project.
- Water Treatment Plant - Superintendent Woodworth requested funds be added to the 2014/2015 budget for programming so the readings for the Water Treatment Plant can be transmitted to the Superintendent's computer.
- Telephone Poles - The Board inquired on when the old telephone poles would be fully removed. Superintendent Woodworth will contact the project manager at National Grid.

Report – Trustee Covell

- Nothing

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Tuk

- Pond - Trustee Tuk asked where we are with the Corp of Engineers on the pond project. Superintendent Woodworth stated they were looking for a letter of intent for \$100,000.00 in testing expenses. Mayor McAvoy

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added the plan has changed from the original discussion of cleaning up the pond, the Corp of Engineers and DEC are scheduled to visit the site in April so we'll know more at that point. Trustee Tuk asked if the DEC has see the dam inspection. Superintendent Woodworth stated it was included in Chatfield Engineer's engineer report.

- Orange Fence - Trustee Tuk ask if anything was being done to replace the orange fence by the dam. Superintendent Woodworth stated the DEC didn't like Chatfield's recommendation for repair. The last update done to the creek bank where the orange fence is was done by the Eagle Scouts in 1978. DEC Officer Fonda stated that there are funds out there if the cost is the issue and stated Trout Unlimited will make donations for this kind of repair.
- The Ho Jack Ice Cream Shack & Snack Shack Grill - Trustee Tuk inquired if the Ho Jack Ice Cream Shack should have a fence up around their property given its a business as well as the small buildings for children to play on being relocated closer to the neighbor's property.
- S&K Automotive - Trustee Tuk stated that S&K Automotive has concerns about water in the gasoline coming from the E-Z Shop. Trustee Tuk inquired if the E-Z Shop's gasoline should be tested. DEC Officer Fonda stated they are tested weekly by the DEC and he can look into it and have the tanks tested this week.

Report – Trustee Tuohey

- Inquired what is going on with the old Crosby Whipple building and shouldn't the new owners be coming to the Village Board as to what their plan is.

Report – Mayor McAvoy

- Mayor McAvoy has met with Andrew Meier regarding some tax credit programs and would like the Village Board, School Board and Town Board to watch a video with Mr. Meier as to how it works. Mayor McAvoy stated the "Paper and Paint" idea is a different program.

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.
- Aux VP Woolley inquired if Superintendent Woodworth had the keys to the new cabinet being put in for them at the Fire Hall. Superintendent Woodworth stated they should have been delivered today and were not and asked who should they be given to once they come in. Aux VP Woolley stated the keys were to be given to him.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, to adjourn the meeting at 8:36 p.m.

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

Teri Woodworth
Clerk-Treasurer