

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, April 13, 2015 at the Village Hall. Meeting opened at 6:00 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 - Absent
	Public:	Mickie Schuner, John Champlin, Chad Rignall, Mary Shawner, Kim Feitshans, Gary Dent, Sheri Dent, Joseph Rak and Harold Scribner

APPROVAL OF THE MINUTES

ON MOTION of Trustee Covell, seconded by Trustee Tuk, to accept the minutes of the March 9, 2015 Regular meeting and the March 13, 2015 Special meeting.

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

PRIVILEGE OF THE FLOOR:

- Chad Rignall - Mr. Rignall expressed his concerns over his most recent water bill. A water line in his basement froze and burst causing 134,000 gallons of water to pass through the meter prior to discovering this disaster. The Board discussed their concerns about the property being vacant and inquired if the house was being checked regularly. The Board confirmed with Attorney Schubel if the Village has a policy on excessive water usage and were advised the Village does not at this time.

ON MOTION of Trustee Tuk, seconded by Trustee Covell, to open the public hearing on the adoption of a Local Law Amending the Village of Lyndonville Zoning Local Law and Zoning Map at 6:17pm.

The Board presented the proposed changes in Zoning to the public. The public reviewed the map of the proposed changes.

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to close the public hearing on the adoption of a Local Law Amending the Village of Lyndonville Zoning Local Law and Zoning Map at 6:23pm.

RESOLUTION NO 2015-31

VILLAGE BOARD RESOLUTION ISSUING THE NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE ADOPTION OF ZONING MAP AMENDMENT

WHEREAS, the Lyndonville Village Board caused an Environmental Assessment Form to be prepared for assessing the potential environmental impacts that may result from the adoption of a Zoning Map Amendment, and

WHEREAS, the Lyndonville Village Board has reviewed the Environmental Assessment Form prepared for the adoption of the Zoning Map amendment,

NOW, THEREFORE, BE IT RESOLVED, that the Lyndonville Village Board declares that the action to amend the Zoning Map will not have a significant adverse impact on the environment, and

BE IT FURTHER RESOLVED, that the Lyndonville Village Board declares the reasons supporting this Negative Declaration are as follows:

- a. Compared with the criteria listed in Section 617.7 of SEQR regulations, all indications are that the proposed action will not cause substantial adverse change in community character, aesthetics, design and natural features; and
- b. Review of the proposed Amendment and the Environmental Assessment Form has indicated that the action to adopt the Amendment will not have a significant adverse impact on the environment,

BE IT FURTHER RESOLVED, that the Mayor is directed to sign the Negative Determination of Environmental Significance Form

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to accept the negative determination of environmental significance of the adopt of the zoning map amendment.

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

RESOLUTION 2014-32

LOCAL LAW 2015-1 - AMEND THE VILLAGE OF LYNDONVILLE ZONING LOCAL LAW AND ZONING MAP

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ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to adopt a Local Law 2015-1 amending the Village of Lyndonville zoning local law and zoning map.

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

RESOLUTION NO 2015-33

EXCESSIVE WATER USAGE FORGIVENESS - 87 SOUTH MAIN STREET

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to give a onetime forgiveness of excessive water usage and charge 87 South Main Street for the average of the last four quarters.

Vote: 4 Ayes (Covell, McAvoy, Tuohey, Woodward Jr.); 1 Nays (Tuk); 0 Abstain

- Anna (Mickie) Schuner - Is the president of the Lyndonville Fire Department. She presented to the Board her concerns of a Morgan Gerety who was suspended for thirty (30) days. The Fire Department Board received three (3) complaints regarding Mrs. Gerety which resulted in a 30 day suspension. Mrs. Gerety was going to appeal the Board's decision and decided not to. The Fire Department Board is asking that Mrs. Gerety return here master key for the thirty (30) days and hasn't done so yet. The Village Board stated they really didn't want to get involved governing the Fire Department. The Village Board would need time to review the Fire Department by-laws on suspensions and the policy on returning keys. If necessary after their review the Board would ask Officer Larkin to obtain the key back.

USE OF FACILITIES

- Fire Hall – Lee Kistner is requesting use of the Fire Hall on April 18, 2015 from 12:00am to 8:00pm for a birthday party.
- Fire Hall – John Flanagan is requesting use of the Fire Hall on May 17, 2015 from 9:00am to 5:00pm for a shower.
- Village Hall – Assemblyman Steve Hawley is requesting use of the Village Hall on May 2, 2015 from 1:00pm to 1:45pm for a Town Hall meeting.
- Veterans Park – Hospice of Orleans is requesting use of Veterans Park on July 4, 2015 from 8:00am to 3:00pm for their annual duck race.

RESOLUTION NO 2015-34

USE OF FACILITIES - LEE KISNTER, JOHN FLANAGAN, ASSEMBLYMAN STEVE HAWLEY AND HOSPICE OF ORLEANS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to approve the use of facilities for the Fire Hall by Lee Kister on April 18, 2015, John Flanagan on May 17, 2015; for the Village Hall by Assemblyman Steve Hawley on May 2, 2015 and Veterans Park by Hospice of Orleans on July 4, 2015.

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

Report – Fire Chief Gerety

- Absent
- Clerk-Treasurer Woodworth gave report - YTD calls – 55, MTD calls – 21 (2 – EMS in Town, 12 – EMS in Village, 2 - Hazardous Condition, 1 - Good Intent, 1 - Gas Leak, 1 -Auto Alarm and 1 – M/A to Medina)

Report – Code Enforcement Young

- Report: 1 -Building Permit, 3 - Violation Notices for vehicles parked on the right-of-way

Report – Attorney Schubel

- Planning Board - Village and Town can do a shared services agreement to use the Town of Yates Planning Board to oversee the Village of Lyndonville Planning Board needs. This will be looked into further to see if the Town is interested.
- Local Law 1987-1 - Attorney Schubel is working on a draft of some changes to this local law.
- Local Law 2010-3 - Residency requirements for certain positions. Attorney Schubel advised that the Board's request to give a certain mile radius would allow for residency in Niagara County which would need special state government approval. The Board will rethink the certain mile radius and time frame for relocation and get back to Attorney Schubel.

Report – Clerk-Treasurer Woodworth

- Sheriff's Bike and 2002 ExMark mower - Clerk-Treasurer asked the Board for permission to declare these items as surplus and put them for sale by sealed bid.

RESOLUTION NO 2015-35

EXCESS EQUIPMENT - SHERIFFS BIKE AND 2002 EXMARK MOWER

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk, to declare the Sheriffs bike and the 2002 Exmark mower as surplus equipment and to sell by sealed bids to be submitted to Clerk-Treasurer Woodworth by 12:00pm (noon) on May 11, 2015 with the Village having the right to refuse any and all bids.

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

- Abandoned Properties - Clerk-Treasurer Woodworth has been able to obtain the banks information on several of the abandoned properties within the Village as well as getting them to pay any outstanding water/sewer bills.
- Police Report - Confirmed everyone received Officer Larkin's police report.
- Training - Inquired if anyone was interested in taking the upcoming spring local government workshop.
- Bonadio Group - Provided the Board with draft copies of the 2013 and 2014 fiscal year audits. Advised that a response is needed from the Village on the two findings in the 2013 draft. Mayor McAvoy will send out a response this week for the Boards review.
- Elections Results - James Tuk and Charles Covell won the March 18, 2015 election as Village Trustees for a term of four years.
- Appointments:

**RESOLUTION NO 2015-36
2015/2016 APPOINTMENTS**

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to accept the following appointments:

Chief of Police	Stephen McAvoy
Sewer (Sanitary & Storm)	Stephen McAvoy
Water Works	Stephen McAvoy
Parking Lots & Streets	Stephen McAvoy
Youth Rep.	Stephen McAvoy
Police Officer	William Larkin
Code Enforcement Officer	Aaron Young
Attorney for the Village	Webster, Schubel & Meier LLP
Trees	James Tuk
Sidewalks	James Tuk
Street Lighting	James Tuk
Deputy Mayor	James Tuk
Fair Housing Officer	Charles Covell
Parks & Pond	Charles Covell
Liaison – Lions Club	
Liaison – Legion & VFW	Charles Covell
Clerk-Treasurer	Teri M. Woodworth
Budget Officer	Teri M. Woodworth
Historian	Teri M. Woodworth
Registrar of Vital Statistics	Teri M. Woodworth
Fire Dept. Records Officer	Teri M. Woodworth
Records Management Officer	Teri M. Woodworth
Zoning Clerk	Teri M. Woodworth
Supt. of Public Works	Terry M Woodworth
Safety Officer	Terry M. Woodworth
Liaison – Fire Dept	Danny Woodward Jr.
County Planning Board	Danny Woodward Jr.
Deputy Registrar of Vital Statistics	Ellen Tuohey
Senior Citizens Rep.	Ellen Tuohey
Clerk Part-Time	Virginia Nicholson
Official Bank	M & T Bank
Official Newspaper	The Batavia Daily News
Meeting Night	2 nd Monday of each month, 6:00 p.m. @ Village Hall
Workshops	Wednesday prior to the Board Meeting of each month, 6:00p.m. at the Village Hall
Village Engineer	Chatfield Engineers, P.C.
Grants Manager	

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

**RESOLUTION NO 2015-37
MILEAGE REIMBURSEMENT**

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, Cost of Fifty Cents (.50) per mile for Village Officials or Village Employees for the use of their vehicles on Village business.

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

**RESOLUTION NO 2015-38
PART-TIME AND EMERGENCY HELP PAYRATE**

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, Pay rate of part-time labor is \$8.75 to \$9.00 from January 1, 2015 at the discretion of Superintendent of Public Works; rate for part-time labor (emergency) is to be \$10.00 per hour.

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

**RESOLUTION NO 2015-39
MEETINGS, CONFERENCES AND CLASSES**

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, April 13, 2015 at the Village Hall.
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ON MOTION of Trustee Covell, seconded by Trustee Tuohey, Permission for the Mayor, Trustees, Clerk-Treasurer, Code Enforcement Officer, Supt. of Public Works, DPW Maintenance Workers, Fire Co. Rep. to attend any County meetings, Mayor's Conferences, meetings, schools, workshops and NFAVO meetings

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

RESOLUTION NO 2015-40
ZONING BOARD OF APPEALS MEMBERS

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, that appointed members to the Village of Lyndonville Zoning Board of Appeals for the term of 5 years

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

- Legal Services Agreement:

VILLAGE OF LYNDONVILLE
LEGAL SERVICES AGREEMENT

THIS AGREEMENT made as of the 1st day of June, 2015, between the VILLAGE OF LYNDONVILLE, a municipal corporation of the State of New York, hereinafter referred to as "VILLAGE" and WEBSTER, SCHUBEL & MEIER, LLP, Attorneys at Law, of 113 West Center Street, Medina, New York, hereinafter referred to as "ATTORNEYS",

WHEREAS, the Village requires legal services in connection with the operations and functions of the government of the Village, and

WHEREAS, the Attorneys are experienced in matters involving municipal law and wish to perform necessary legal services for the Village,

NOW, THEREFORE, in consideration of the premises and the mutual covenants and promises hereinafter set forth, it is agreed as follows:

Attorneys will perform the following legal services:

- 1.) General consultation with all board members and Village officers, as required.
- 2.) Attendance as requested at meetings, conference sessions, and public hearings of Village governmental bodies, including the Village Board, Planning Board and Zoning Board of Appeals as required.
- 3.) Preparation of resolutions and local laws.
- 4.) Preparation and review of contracts and like transactional matters but excluding administrative agency proceedings, civil litigation and enforcement proceedings, capital project matters, bond issues and other borrowings, and the purchase and/or sale of real property and/or personal property.
- 5.) General legal research and correspondence; FOIL responses.

As compensation for the services as enumerated above, the Village will pay Attorneys an annual retainer in the amount of \$6,630.00 which shall be paid monthly in installments upon submission of vouchers therefor by Attorneys, payable upon approval by the Village. The vouchered payment shall not be considered compensation for the purposes of the New York State Retirement System.

The Attorneys will perform and provide such legal services as are required by the Village, as follows:

- 1.) The representation of Village in administrative agency proceedings, civil litigation and enforcement proceedings.
- 2.) Legal services in connection with capital projects, bond issues, and other borrowings and other related matters.

As compensation for services set forth in subparagraph 1 and 2, the Village will pay the Attorneys in accordance with the following schedule, rates and fees:

- a.) For the services described in subparagraph 1 above at the rate of \$135.00 per hour.
- b.) For legal services described in subparagraph 2 at rates and fees to be agreed upon between the parties by separate agreement for each matter.

The Attorneys shall periodically voucher the Village for the services rendered in subparagraphs 1 and 2, and such fees shall be payable upon approval of such vouchers by the Village. The vouchered payments shall be not considered compensation for the purposes of the New York State Retirement System.

The Lawyers' Code of Professional Responsibility prohibits representation of multiple clients if the exercise of independent professional judgment on behalf of a client will be or is likely to be adversely affected by such multiple representation. For the matters described above, the Village will be a client of the Attorneys.

As a matter of course, Attorneys regularly represent other municipalities and professionals who provide services to municipal entities. Attorneys' representation of these clients has occurred in the past, is presently ongoing, and Attorneys hope will continue in the future.

If Attorneys represent a regular client in matters not related to the Village, a "potential" conflict of interest may arise if such client subsequently becomes involved in a matter relating to the Village. Execution of this Agreement will constitute a waiver by the Village of all "potential" conflicts of interests, but will not constitute a waiver of an "actual" conflict of interest. An "actual" conflict of interest would exist in a situation where Attorney's firm represents the Village and another client in the same matter. In the event of an "actual" conflict of interest, Attorneys will provide notice to the Village of such "actual" conflict of interest, and will undertake such appropriate steps to resolve any such "actual" conflicts of interest consistent with the Lawyer's Code of Professional Responsibility.

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The terms of this Agreement shall be for the period of one (1) year from June 1, 2015, to May 31, 2016. This agreement may be terminated by either party upon ten (10) days written notice by certified mail return receipt requested or personal delivery.

RESOLUTION NO 2015-41
LEGAL SERVICES AGREEMENT - WEBSTER, SCHUBEL & MEIER LLP

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to accept the legal services agreement as it reads with Webster, Schubel & Meier LLP.

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

- Vouchers – Abstract A11 #2344 - 2420 to be paid

General	\$ 27,789.18
Water	\$ 10,501.30
Sewer	\$ 3,632.06
Payroll	<u>\$ 2,605.12</u>
Grand Total	\$ 44,527.66

RESOLUTION NO 2015-42
VOUCHERS TO BE PAID FOR ABSTRACT A11-2015

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A11 Vouchers #2344-2420.

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

Report – Superintendent Woodworth

- Water Tower - Superintendent Woodworth will obtain a quote for having a mixer installed in the water tower. He will also ask Utility Service Company Inc to come to the next Village workshop to discuss the water tower maintenance further. Accurate figures are going to be needed to be able to discuss with the Town of Yates sharing the costs.
- Chatfield Engineers P.C. - the R.I.T students that were working on the retaining wall by the Dam will do a presentation at the next Village workshop.

Report – Trustee Tuohey

- Nothing

Report – Trustee Tuk

- APEX letter - Trustee Tuk inquired if the Village should respond to the letter. The Board and public discussed their opinions on the proposed windmills.
- Water Rate Assessment, Trustee Tuk would like Chatfield Engineers, P.C. to start working on the Water Rate Assessment with the Town of Yates as it expires on June 1, 2015.
- 87 South Main Street - Trustee Tuk mentioned the new owners are parking on the front lawn, he took a picture of it and asked Code Enforcement Young to look into it.

Report – Trustee Covell

- Stated there are cracks in the parking lot and driveway on West Avenue and had concerns of an old culvert below.

Report – Trustee Woodward Jr.

- Nothing

Report – Mayor McAvoy

- Mentioned he's been in several times this month and he'll be working on a response to finish up the audits.

RESOLUTION NO 2015-43
EXECUTIVE SESSION - TO DISCUSS A PERSONNEL MATTER

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to go into Executive Session to discuss a personnel matter.

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

No Action was taken

RESOLUTION NO 2015-44
EXECUTIVE SESSION

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to close the Executive Session regarding a personnel matter.

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

NEW BUSINESS:

- Zoning Board of Appeals Member - Trustee Covell nominated Kimberly Feitshans to fill the vacant Zoning Board of Appeals position.

RESOLUTION NO 2015-45

ZONING BOARD OF APPEALS MEMBER KIMBERLY FEITSHANS

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to appoint Kimberly Feitshans as a member of the Zoning Board of Appeals for a five (5) year term.

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

- Fire Department member's results of their pre-employment drug and alcohol tests - Clerk-Treasurer Woodworth still hasn't received the results of the last four proposed new members drug and alcohol tests. Trustee Woodward Jr. stated he will look into and see to it that its resolved.
- Overtime pay for Superintendent Woodworth during emergency call outs. The Board discussed paying Superintendent Woodworth overtime at one and a half times his current rate of pay for all emergency call outs approved by the Mayor.

RESOLUTION NO 2015-46

EMERGENCY CALL OVERTIME PAY FOR SUPERINTENDENT WOODWORTH

ON MOTION of Trustee Tuk, seconded by Trustee Covell to pay Superintendent Woodworth overtime at a rate of one and a half times his current rate of pay for all emergency call outs as approved by the Mayor, and for Clerk-Treasurer Woodworth to pay Superintendent Woodworth overtime for the West Avenue water main break in February.

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

- Orleans County Resolutions: 98-315, 107-315, 108-315 and 120-315

RESOLUTION NO. 98-315

RESOLUTION OF THE ORLEANS COUNTY LEGISLATURE PETITIONING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO DELAY PROPOSED LEGISLATION WHICH WOULD MOVE THE STAR EXEMPTION FROM A REAL PROPERTY TAX EXEMPTION TO A PERSONAL INCOME TAX CREDIT

WHEREAS, included in the 2015/2016 New York State Budget is a proposal to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit; and

WHEREAS, this transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption; and

WHEREAS, this transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 3, 2014; and

WHEREAS, this transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor; and

WHEREAS, when additional confusion is added to an already complicated property tax system taxpayers become more frustrated with the whole tax system; and

WHEREAS, this transition will require the Assessors' offices in Orleans County to send out approximately 276 denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out; and

WHEREAS, this transition will result in either a shortage in their escrow account which would then have to be made up in double for the next escrow payment year or their anticipated tax bill will be approximately \$600 more with Basic STAR and \$1,400 more with Enhanced STAR than they budgeted on their own; and

WHEREAS, this additional tax amount might disqualify potential buyers of real property as it will put them over the 43% Debt to Income ratio established in the provisions of DODD FRANK that became effective January 2014; now therefore be it

RESOLVED, that the Orleans County Legislature on recommendation of the Finance Committee petitions New York State to delay this transition to any STAR exemption that was granted after the 2015 Assessment Roll to more adequately inform the public of this important change in their taxes; and be it

FURTHER RESOLVED, that the Clerk of this Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Robert Ort, New York State Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, and all others deemed necessary and proper

RESOLUTION NO. 107-315

OPPOSING NEW STATE'S PLAN TO CLOSE SKILL DEVELOPMENT CENTERS AND WORK CENTERS

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WHEREAS, this Legislature believes that people have the right to participate in their community to their full ability; that people have the right to a supportive network of friends and advocates and that people have the responsibility to care for themselves and their neighbors in a safe, holistic, healthy community; and

WHEREAS people with intellectual and other developmental disabilities currently receive funding for employment in sheltered workshops also known as skill development centers. This means that a student transitioning out of high school with a disability are able to pursue employment and a paycheck in this vocational setting upon graduation; and

WHEREAS, the Orleans Enterprises (OE) workshop at 215 Washington Street opened in 1981 providing employment to hundreds of individuals leading with a mission to promote community inclusion through community based supported employment; and

WHEREAS, new vocational service recipients start in sheltered, many were found through vocational evaluation funded by VESID (Vocational and Education Services for Individuals with Disabilities a branch of State Ed now known as ACCESS-VR) to be appropriate for community based employment. Some individuals have chosen to stay in sheltered work, which is the right of every American to choose where they want to work and they are provided support and information to choose other options on a regular basis through case reviews; and

WHEREAS, the State's plan to close vocational workshops like the one operated by the ARC of Orleans will force those employed now to either stay home or participate in a Day Care program, thus removing the dignity associated with employment and taking away a vital step to community based employment; and

WHEREAS, The U.S. Supreme Court's decision in *Olmstead v. L.C.* recognized the right of the individual with developmental disabilities who are currently in a sheltered workshop to remain in that setting if they wish to do so; now be it

RESOLVED, that the Orleans County Legislature does hereby oppose the New York State's plan to close SKILL DEVELOPMENT CENTERS AND WORK CENTERS, thus removing this important step towards Community Based supported employment; and be it

FURTHER RESOLVED, that the Orleans County Legislature is requesting this plan to close the Center Based workshops to be rescinded and allow the funding of these Work Centers to continue allowing them to stay open and continue giving those working there the self-advocacy of choosing where they want to work; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ort, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, Inter-County of Western New York, all Orleans County Towns and Villages, ARC of Orleans County, NYSARC, OPWDD and all others deemed necessary and proper.

RESOLUTION NO. 108-315

OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET CONCERNING LOCAL INDUSTRIAL DEVELOPMENT AGENCIES

WHEREAS, Industrial Development Agencies (IDA) are an important economic development tool to promote job creation and retention in our communities and are the main source of economic development subsidies at the local and county level; and

WHEREAS, our Local IDA has been a driver of development in Orleans County, and we need to continue relying on them; and

WHEREAS, part of their success lies in the fact that they have the best knowledge of and interest in the areas that they serve; and

WHEREAS, Governor Cuomo's proposed Revenue Bill - Part W, as indicated in the State of the State, is set to add an additional layer of redundant paperwork and delays to projects utilizing IDA assistance; and

WHEREAS, Part W of this budget severely restricts the ability of Industrial Development Agencies to respond to the needs of businesses by removing home rule decisions and placing certain incentive decisions with the Regional Economic Development Council and Empire State Development; and

WHEREAS, allowing the State to have a larger role in approving IDA incentives will decrease the ability of local municipalities to decide how they plan to economically develop and replace that with the decisions coming from downstate; and

WHEREAS, Part W of this budget also grants the Authorities Budget Office greater power over local Industrial Development Agencies, inhibits County's ability to build industry clusters, and significantly slows Industrial Development Agencies ability to respond to "at the speed of business"; now, therefore be it

RESOLVED, that the Orleans County Legislature continues to support our local IDA and endorses their activities unburdened by additional State regulations and mandates; and be it

FURTHER RESOLVED, that the Orleans County Legislature joins with all local Local IDAs within the State of New York in their opposition to Governor Cuomo's proposal to add further paperwork to the IDA incentive process; and be it

FURTHER RESOLVED, copies of this resolution shall be sent to Governor Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ort, Assemblyman Steve Hawley, Assemblywoman Jane Corwin; Senator Philip Boyle, Chairman of the Senate Committee for Commerce, Economic Development & Small Business; Assembly Minority Leader Brian Kolb; Assemblyman Robin Schimming, Chairman of the Assembly Committee for Economic Development, Job Creation, Commerce & Industry; Empire State Development Corporation; NYS Economic Development Council; Orleans County Economic Development Agency; NYSAC; InterCounty of Western New York; and all others deemed necessary and proper.

RESOLUTION NO. 120-315

SUPPORTING THE NEW YORK STATE COUNTY HIGHWAY SUPERINTENDENT'S ASSOCIATION'S IDENTIFIED NEED TO IMMEDIATELY FUND HIGHWAY AND BRIDGE FUNDING

WHEREAS, Governor Cuomo calls for a direct linkage between tourism, agriculture, and marketing the Upstate New York region as a whole in order to foster economic development; and

WHEREAS, Upstate New York relies solely upon safe and secure roads and bridges to move products to markets, produce food and fiber, and to receive tourists; and

WHEREAS, the lack of state and federal aid has impacted both the New York State Department of Transportation and local municipalities abilities to maintain and replace infrastructure, and

WHEREAS, aging bridges have been flagged, load posted, or restricted due to lack of funding; and

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WHEREAS, such restrictions on the state highway system have had an impact on the delivery of agricultural products and good movements in general; and

WHEREAS, impacts have been realized in the form of ticketed vehicles or added time to deliver goods on long detours on local roads not intended for such heavy vehicles; and

WHEREAS, a significant investment has been made by the Governor's Office to support the expansion of agricultural products such as yogurt, barley, and wine as the hallmark of economic recovery in Upstate New York; and

WHEREAS, stagnant highway and bridge funding at the state level, especially for rural counties, has a significant impact on the Governor's plans for recovery and threatens the investment made in agriculture; and

WHEREAS, federal highway and bridge funding available for use by counties in New York has been reduced significant by the emphasis placed on interstate highways under the Moving Ahead for Progress in the 21st Century (MAP-21) Act and further impacted by the New York State Department of Transportation decision to allocate available federal construction funding towards the preservation of the state highway and bridge system; now, therefore be it

RESOLVED, that the Orleans County Legislature does hereby request that the Governor and the State Legislature immediately fund highway and bridges as to meet the needs identified by the New York State County Highway Superintendent's Association which calls for \$615 million in annual CHIPS funding and a \$500 million local road and bridge program funded over 5 years with funds to be distributed through the CHIPS formula; and be it

FURTHER RESOLVED, that the Orleans County Legislature does hereby request that Senator Schumer, Senator Gillibrand, and Congressman Collins work toward repairing the Dedicated Highway and Bridge Trust Fund and amending MAP-21 or its reauthorization to allow for more concentration of funding on Off-System Bridges rather than interstate maintenance; and be it

FURTHER RESOLVED, that copies of this resolution be sent to Senators Schumer and Gillibrand, Congressman Collins, Governor Cuomo, State Senator Ortt, Assemblyman Hawley, Assemblyman Corwin, NYSAC, Intercounty of WNY, NY Agriculture Society, and all Town and Village Highway/Public Works Superintendents.

RESOLUTION NO 2015-47

ORLEANS COUNTY RESOLUTIONS #98-315, 107-315, 108-315 and 120-315

ON MOTION of Trustee Covell, seconded by Trustee Tuohey to support Orleans County Resolution 98-315, 107-315, 108-315 and 120-315.

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

- 15 Eagle Street demolition-

Mayor Steve McAvoy and
Village Board Members
Village of Lyndonville
2 South Main Street

Lyndonville, NY 14098

RE:Village of Lyndonville
15 Eagle Street Demolition

Dear Steve and Village Board Members:

We understand that the village is planning to have 15 Eagle Street Demolished. I believe the best course of action for the Village is this:

The building should be condemned if it is unsafe. If the building is condemned and has little value to rehab, no historic value, and is known to contain asbestos due to age and direct observation, a pre-demolition asbestos survey is not required. I believe Terry indicated that is has been condemned and that Envoy Environmental indicated that it contains asbestos.

The building can then be demolished under NYS DOL Code Rule 56-11.5 (Controlled Demolition with Asbestos in Place) Basically, it is felt that under the above conditions it is not worth completing an asbestos survey, abatement plan and abatement if the building is to be demolished anyway.

This would require the Owner of the building (or the Village with the Owner's permission) to let a contract for the Controlled Demolition with Asbestos in Place. A third party environmental consultant would need to be hired for air monitoring during the demolition.

The scope of our services will include the following:

1. Site visit to review existing conditions.
2. Preparation of Contract Documents to bid the work.
3. Attend the Bid Opening.
4. Review Bids and Recommend Award.
5. Prepare Contract Agreement.
6. Recommend payment.
7. Closeout Contract.

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, April 13, 2015 at the Village Hall. Meeting opened at 6:00 p.m.

We propose to complete this work for a Lump Sum Amount of \$3,200.00.

Based upon two similar projects I have completed, I estimate that the demolition will cost approximately \$25,000. The third party air monitoring will cost about \$3,000.

RESOLUTION NO 2015-48

15 EAGLE STREET DEMOLITION SEALED BID PROCESS WITH CHATFIELD ENGINEERS, P.C.

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to approval Chatfield Engineers, P.C. to start the process for the sealed bids to demolish 15 Eagle Street and to agree to the lump sum of \$3,200.00 for their work.

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

- Employee Handbook - Clerk-Treasurer Woodworth presented the Board with some proposed updates to the Village Employee handbook for their review and approval at a later date.
- 2015/2016 Budget public hearing, the Board set the budget public hearing for April 23, 2015 at 6:00pm and will hold a budget workshop on April 21, 2015 at noon. The Board also set the Tax Cap override public hearing for April 23, 2015 at 6:15pm.
- Trustee Tuk mentioned the Union contract was still unsettled and that PERB would be coming in to finalize the negotiations. The Union's requesting a 2% pay increase and the union employee's pay 17.5% for their health insurance. The Village offered a 1% pay increase and 20% on the health insurance.
- Orleans County Highway Department is assisting Superintendent Woodworth in taking down some trees.

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to adjourn the meeting at 8:08 p.m.

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

Teri Woodworth
Clerk-Treasurer