

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, May 11, 2015 at the Village Hall. Meeting opened at 6:00 p.m.

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|----------|--------------------------|-------------------------------|
| PRESENT: | Mayor: | Stephen C. McAvoy - Absent |
| | 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 - Excused |
| | Attorney | David Schubel |
| | Fire Chief | Jason Gerety |
| | Public: | Barb Champlin & John Champlin |

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to accept the minutes of the April 13, 2015 Regular meeting and the April 23, 2015 Special meeting.

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

PRIVILEGE OF THE FLOOR:

- Barb and John Champlin presented the Board with a flyer proposing Cruise Nights every Wednesday from 6:00pm to 8:00pm starting May 27, 2015 through August. Mr. & Mrs. Champlin are looking to make this a community event. If necessary they will get assistance from the Lyndonville Fire Department Fire Police with directing traffic. Superintendent Woodworth offered portable parking signs to have patrons park behind the Fire Hall if necessary. Mr. & Mrs. Champlin stated they would consider making a charitable donation to the Lyndonville Fire Department toward the purchase of a new fire truck for assisting with directing traffic. The Champlins also welcomed the Fire Department to do 50/50 raffles during their Cruise Nights. Clerk-Treasurer Woodworth mentioned to Chief Gerety that the Fire Department would need to obtain their games of chance license prior to doing any raffles. The Board liked the idea of a community event and will work with the Champlins if the Board deems any adjustments or concerns need to be addressed.

USE OF FACILITIES

- Fire Hall – Mike Heideman is requesting use of the Fire Hall on June 8, 2015 from 6:00pm to 8:00pm for a Loyal Football/Cheerleading signups.
- Fire Hall – Lyndonville Baseball League is requesting use of the Fire Hall on May 30, 2015 from 12:00pm (noon) to 4:00pm for a car wash.

RESOLUTION NO 2015-52

USE OF FACILITIES - MIKE HEIDEMAN AND LYNDONVILLE BASEBALL LEAGUE

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to approve the use of facilities for the Mike Heideman June 8, 2015 and Lyndonville Baseball League for May 30, 2015.

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

Report – Fire Chief Gerety

- Report - YTD calls – 69, MTD calls – 14 (6 – EMS in Village, 4 – EMS in Town, 1 - Grass Fire, 1 - Good Intent, 1 - MVA in the Town and 1 – M/A to Ridgeway)
- Foam proportioner pump - Chief Gerety stated the foam proportioner pump on Lyndonville 10 hasn't been used in years and doesn't work well. The Barker Fire Department would like the foam proportioner for parts for the one they have. Clerk-Treasurer Woodworth and Attorney Schubel advised the Board would have to declare the pump as surplus and then donate it to the Barker Fire Department if they so choose.

RESOLUTION NO 2015-53

SURPLUS EQUIPMENT - FOAM PROPORTIONER PUMP

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to declare the foam proportioner pump off of Lyndonville 10 as surplus and to donate it to the Barker Fire Department.

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

- Chief Gerety confirmed Clerk-Treasurer Woodworth has a copy of the Fire Department by-laws.
- Public Safety Committee - Chief Gerety mentioned that the Public Safety met last week and he expressed his concerns regarding needing a new fire truck. He stated Lyndonville 10 had a leak in the relief valve that was able to be repaired and how the passenger side of the body around the wheel well is rotting out. Chief Gerety estimates it will cost ten thousand dollars to poly coat the tank. Trustee Tuk noted that there have been past discussions regarding a new truck that have never been resolved. It was mentioned that the new truck would replace two existing trucks and the quote three years ago was \$450,000.00. Trustee Tuk mentioned that Albion Fire Department is getting a new truck and presented a 150 page proposal/presentation. The Board asked Chief Gerety to present the Board with a proposal on a new truck with supporting documentation on call history. The Board also mentioned the Fire Department should do some research on FEMA grants that are available. Chief

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Gerety stated the County is working on a County wide grant writer to assist all the Fire Departments in Orleans County.

- Members drug and alcohol testing results - Clerk-Treasurer Woodworth brought to the Board attention that the last four members they approved for the Fire Department haven't not completed their drug and alcohol testing. Chief Gerety stated he's told them they need to be tested. No results have been received by the Village. Chief Gerety inquired if the Village would like the Fire Department to be drug and alcohol tested annually. The Board advised that was up to the Fire Department and how the by-laws read. The Village only requires a pre-employment test at this time.

Report – Attorney Schubel

- Planning Board - Attorney Schubel contacted James Bensley, Interim Director of the Orleans County Department of Planning and Development regarding shared services with the Town of Yates Planning Board acting as the Village Planning Board as well. Director Bensley is looking into it further with New York State. Attorney Schubel also mentioned it to the Town of Yates Attorney Andrew Meier and he was in favor of it.
- 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. The Board asked Attorney Schubel to draft up the changes with making the residency requirement within the Town's of Carlton, Gaines, Ridgeway, Shelby and Yates.
- 261 North Main Street - Clerk-Treasurer Woodworth presented the outstanding bill for the tree that the Village ordered to be removed by the homeowner at 261 North Main Street and in turn the Village ended up having to pay to have the unsafe tree removed. Clerk-Treasurer Woodworth tried to relevy the total cost of \$750.00 onto the 2015 Real Property Tax bill but was advised by the Director of Real Property Dawn Allen that the Village would need to put a lien against the property instead of relevying. Attorney Schubel stated with the Board's permission he would bring a lawsuit against the property owner and if not paid would result in a lien against the property.

RESOLUTION NO 2015-54

LAWSUIT - 261 NORTH MAIN STREET

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to have Attorney Schubel sue the owner of 261 North Main Street for the sum of \$750.00 for having a tree removed in which the owners was ordered to remove.

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

Report – Code Enforcement Young

- Absent
- Clerk-Treasurer Woodworth gave the report: 1 -Building Permit, 1 - 1203 Inspection and 2 - Certificates of Completion.

Report – Clerk-Treasurer Woodworth

- Police Report - Confirmed everyone received Officer Larkin's police report.
- Orleans County list of properties that are being put for public auction, there are no properties within the Village on the list at this time.
- Year End meeting - The Board set the Village's annual year end meeting for Thursday May 28, 2015 at 3:00pm.
- Vouchers – Abstract A12 #2434 - 2484 to be paid

| | |
|--------------------|---------------------|
| General | \$ 17,801.98 |
| Water | \$ 8,609.81 |
| Sewer | \$ 9,370.68 |
| Payroll | <u>\$ 2,839.67</u> |
| Grand Total | \$ 38,622.14 |

RESOLUTION NO 2015-55

VOUCHERS TO BE PAID FOR ABSTRACT A12-2015

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to have Clerk-Treasurer Woodworth to pay Abstract A12 Vouchers #2434-2484.

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

- Lyndonville Baseball League - Clerk-Treasurer Woodworth confirmed she's received schedules for the rest of the baseball/softball season for the Lake Avenue ball fields. Currently there aren't any conflicts and one game had to be rescheduled and was able to be worked out. Trustee Tuk stated that if there are any conflicts with scheduling he would like to be notified. Clerk-Treasurer Woodworth noted that the Lyndonville Baseball League paid \$1,449.92 for the equipment upgrades to the fields. Superintendent Woodworth mentioned that there are some additional costs for dirt for the fields that hasn't been paid for by the Baseball League at this time.

Report – Superintendent Woodworth

- Town of Yates request – The Town of Yates has had a request, from a Town of Carlton resident to hook into our water line that is on the Yates-Carlton Townline Road. The property is a residence with one or two persons living at the residence.

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RESOLUTION NO 2015-56

TOWN OF YATES – CARLTON RESIDENT WATER SERVICE

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to approve the Town of Yates' request to add a Carlton resident onto the water service.

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

- Outside the Village relevy water agreement - Clerk-Treasurer Woodworth brought to the Board's attention that in the event the Village is unable to obtain payment for water services for residents outside the Village limits the Village would not be able to relevy those fees onto the Village property taxes. Attorney Schubel advised other Village's bill the Town and then Town would relevy the fees onto the Town and County taxes. Attorney Schubel will work on an agreement with the Town of Yates.
- Deaf Person Sign - A tenant at 14 Miller Drive has come in and requested a deaf person sign be put up on Miller Drive for his fiancé. Superintendent Woodworth was asked to look into the sign requirements.
- Water Treatment Plant - Superintendent Woodworth would like to purchase a flowmeter that would replace the existing raw water flow meter. The current flowmeter has mercury in it and the Health Department would prefer it be replaced. The estimated cost of the flowmeter is \$3,060.00. He would also like to purchase a raw water turbidity system estimated cost of \$2,600.00.

RESOLUTION NO 2015-57

PURCHASE OF EQUIPMENT - WATER TREATMENT PLANT

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to authorized Superintendent Woodworth to purchase a flow meter and a raw water turbidity system.

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

Report – Trustee Tuohey

- The Seniors would like to know why there is a gate blocking the entrance to Patterson Park. Superintendent Woodworth stated the gate sits back so there is a gap on each end that provides handicap accessible access. The gate is primarily there to prevent cars, golf carts, snowmobiles etc from entering into the park. The park is open for public access from dusk until dawn.

Report – Trustee Woodward Jr.

- Trustee Woodward Jr. is working with Chief Administrative Officer Chuck Nesbitt of the Orleans County Legislative Offices on the County assisting the Village with obtaining a newer police car. CAO Nesbitt is looking into what the County can do to help with the replacing several sheriff's patrol cars this year.

Report – Trustee Covell

- Trustee Covell asked Superintendent Woodworth if he could look into the storm sewer drains that appear to be plugged on West Avenue.
- Trees - Trustee Covell would like to start working on a project to getting some new trees planted in the Village especially with the number of trees that have had to be removed in the last couple of years.

Report – Trustee Tuk

- Chatfield Engineers P.C. RIT Students - Trustee Tuk, Mayor McAvoy and Superintendent Woodworth attended the RIT students presentation on the repairing the south wall by the dam. Trustee Tuk stated unfortunately the Village's water reserve account cannot be used for this repair.

OLD BUSINESS:

- 15 Eagle Street Demolition -
May 8, 2015

Mayor Steve McAvoy
Village of Lyndonville
2 South Main Street
Lyndonville, NY 14098

Dear Steve:

A bid opening was held for the above referenced Project on Friday, May 8, 2015. The low and only bidder was Frederico Construction and Demolition, LLC, with a total bid amount of \$28,795.00. We have enclosed a copy of the bid for your review.

We feel that Frederico Construction and Demolition, LLC, is qualified to complete this project and if the Village is in agreement, we recommend that the Village Board pass a Resolution "Accepting the Bid received for the Village of Lyndonville 15 Eagle Street Demolition from Frederico Construction and Demolition, LLC, for the Bid Amount of \$28,795.00 and awarding the Contract to them".

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RESOLUTION NO 2015-58
15 EAGLE STREET DEMOLITION - BID

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to accept the bid received by the Village of Lyndonville for 15 Eagle Street demolition form Frederico Construction and Demolition, LLC in the amount of \$28,795.00.

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

- Employee Handbook - Clerk-Treasurer Woodworth asked the Board to review the updates for approval.

NEW BUSINESS:

- Sealed Bids - 2002 Exmark Mower:

| Number | Name | Amount |
|--------|----------------------|------------|
| 1 | Eric Heavron | \$1,000.00 |
| 2 | J. Pescara | \$1,205.00 |
| 3 | Barb Tice | \$1,105.50 |
| 4 | Bobbi & Jon Houseman | \$1,001.01 |
| 5 | Jason Meindl | \$751.00 |
| 6 | Todd Wells | \$855.00 |
| 7 | Craig Groves | \$2,108.00 |
| 8 | Chris Amsdill | \$850.00 |

RESOLUTION NO 2015-59
SURPLUS EQUIPMENT SEALED BID - 2002 EXMARK MOWER

ON MOTION of Trustee Covell, seconded by Trustee Tuohey to accept the sealed bid of \$2,108.00 from Craig Groves and that payment in full must be made by May 27, 2015.

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

- Sealed Bids - Mongoose Bike

| Number | Name | Amount |
|--------|----------------|---------|
| 1 | Charles Covell | \$26.00 |
| 2 | John Whipple | \$75.00 |
| 3 | Daniel Fuller | \$50.00 |
| 4 | Bobbi Houseman | \$40.00 |
| 5 | Jim Groves | \$65.00 |

RESOLUTION NO 2015-60
SURPLUS EQUIPMENT SEALED BID - MONGOOSE BIKE

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to accept the sealed bid of \$75.00 from JOHN Whipple and that payment in full must be made by May 27, 2015.

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

- Orleans County Resolution 161-415 - URGING STATE REPRESENTATIVES TO AMEND THE NEW YORK STATE ELECTRONIC EQUIPMENT RECYCLING AND REUSE ACT

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) was to assist local governments with managing the fast growing end-of-life electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, the Act has succeeded in significantly increasing electronics recovery and recycling in the state, but unfortunately the collection infrastructure is rapidly shrinking as governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

WHEREAS, the consequence, specifically following the January 2015 Disposal Ban, is significant as a growing number of municipalities such as Orleans County are faced with bearing more of the financial responsibility for continued e-scrap collection in their communities; and

WHEREAS, the Act requires, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

WHEREAS, once manufacturers meet their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their programs, thus shifting management costs to unsuspecting and cash strapped local governments; and

WHEREAS, the issue is exasperated by the fact that electronics currently sold today are much lighter than the obsolete CRT devices that make up about 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage. As a result, many

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local governments across the state have grappled with the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; now be it

RESOLVED, that the Orleans County Legislature does hereby call upon Governor Cuomo, the New York State Assembly, the New York State Senate, and the State Department of Environmental Conservation to improve the current law intended to build toward the long-term goals of creating a more stable and comprehensive, manufacturer implemented electronics recycling infrastructure by implementing actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of the Proposed Statutory Changes to the Act to provide for year round, no-cost collection of electronics, consistent with convenience standards for both rural and urban populations—that help alleviate the immediate financial pressures faced by local governments; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Cuomo, Environmental Conservation Committee Chairman Thomas O'Mara, State Senator Robert G. Ort, Assemblyman Hawley, Assemblywoman Corwin, NYSAC, InterCounty Association, and all others deemed necessary and proper.

Moved, Johnson; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

**COUNTY OF ORLEANS
STATE OF NEW YORK**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Orleans County Legislature on the 22nd day of April, 2015.

Dated at Albion, New York
April 23, 2015

**RESOLUTION NO 2015-70
ORLEANS COUNTY RESOLUTIONS #161-415**

ON MOTION of Trustee Covell, seconded by Trustee Tuohey to support Orleans County Resolution 161-415.

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

- Credit Card Payments - Clerk-Treasurer Woodworth mentioned since February of 2014 the Village has processed 102 credit card transactions.

ON MOTION of Trustee Woodward Jr, seconded by Trustee Tuohey, to adjourn the meeting at 8:19 p.m.

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

Teri Woodworth
Clerk-Treasurer