

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, July 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  
Public: Mandee Heinsler, John Champlin, Scott Buffin, Anna Schuner,  
James Scharlau and Ben Walker

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell, to accept the minutes of the May 28, 2015 special meeting, June 8, 2015 regular meeting, June 11, 2015 special meeting and June 25, 2015 special meeting.

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

**PRIVILEGE OF THE FLOOR:**

- Mandee Heinsler - Mrs. Heinsler and her husband are adopting a child and asked the Board for use of the Lake Avenue Ball fields for a fund raiser which may include a 5k run, bounce houses and food. Clerk-Treasurer Woodworth stated Mrs. Heinsler was informed that insurance covering the Village would be needed along with the use of facilities form. Mrs. Heinsler was also advised that a food permit would be required from the Orleans County Health Department along with a solicitors/peddler's permit with the Village. Mrs. Heinsler stated they were in the beginning stages of the event they will comply with any and all requirements necessary for the event. She would like permission pending everything is in compliance so that she can start advertising for the event.

**RESOLUTION NO 2015-90**

**USE OF FACILITIES - MATT AND MANDEE HEINSLER**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to approve the use of facilities for Matt and Mandee Heinsler for September 19, 2015 pending the proper insurance, licenses and paperwork is completed with Clerk-Treasurer Woodworth prior to the event.

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

- John Champlin - Mr. Champlin asked why the Cruise Nights at the Ho-Jack was removed from the sign at the Fire Hall. Trustee Covell stated the sign isn't intended to advertise for local businesses and Trustee Covell received complaints from two businesses. Trustee Woodward Jr. recommended that the Board discuss what is allowed to put on the sign at a later time as well as some additional items that need to be worked out with the Village Board and the Fire Department. Mr. Champlin asked if other businesses that neighbor residential areas are going to be required to put up fences. Code Enforcement Young noted that Mr. Champlin's business was new and at the time of construction should have been advised to put up the necessary fencing. As far as other businesses in the industrial zone that are grandfathered they will not be required to put up fencing. Trustee Tuk noted that Mr. Champlin was given bad advise at the time of construction that the proper procedure wasn't followed with the Orleans County Planning Board and that prior Code Enforcement Wolfe overrode the review by the Orleans County Planning Board that is where the confusion comes from. Mr. Champlin stated he felt as he was being picked on particularly by Trustee Tuk. Mr. Champlin inquired why there was yellow caution tape up behind the Laundromat, should they be required to have a fence to prevent people from going into the creek. Trustee Covell the owner of the Laundromat stated he's in the Central Business District which has different requirements however if he is advised by Code Enforcement to put up a fence he will do so.

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Tuohey, to open the public hearing amending Local Law 3 of the Year 2010 to establish the residency requirements for the Village Clerk-Treasurer, Deputy Clerk-Treasurer and Superintendent of Public Works at 6:19pm.

Attorney Schubel advised he made the Board's requested change from residing within Orleans County to such persons reside in either the Town of Yates, Ridgeway, Shelby, Gaines or Carlton.

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Tuk, to close the public hearing amending Local Law 3 of the year 2010 to establish the residency requirements for the Village Clerk-Treasurer, Deputy Clerk-Treasurer and Superintendent of Public Works at 6:22pm.

**RESOLUTION 2015-91**

**LOCAL LAW 2015-3 - AMENDING LOCAL LAW 3 OF THE YEAR 2010 TO ESTABLISH THE RESIDENCY REQUIREMENTS FOR THE VILLAGE CLERK-TREASURER, DEPUTY CLERK-TREASURER AND SUPERINTENDENT OF PUBLIC WORKS**

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

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Tuk to adopt a Local Law 2015-3 amending Local Law 3 of the year 2010 to establish the residency requirements for the Village Clerk-Treasurer, Deputy Clerk-Treasurer and Superintendent of Public Works.

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

- Mr. Champlin asked if golf carts are allowed in the Village. Mayor McAvoy stated no and then said he will speak with Officer Larkin to find out for sure. Mr. Champlin stated he will take his golf cart home then.

**USE OF FACILITIES**

- Village Hall – Lyndonville Baseball League is requesting use of the Village Hall on June 17, 2015 from 3:00pm to 6:00pm their fund raiser pickups.
- Fire Hall - Lyndonville Fire Department and Auxiliary is requesting use of the Fire Hall on June 20, 2015 from 12:00pm (noon) to 5:00pm for a funeral reception.
- Veterans Park – Yates Community Library is requesting use of Veterans Park on August 10, 2015 for a concert in the Park.

**RESOLUTION NO 2015-92**

**USE OF FACILITIES - LYNDONVILLE BASEBALL LEAGUE, LFD/LFD AUXILIARY AND YATES COMMUNITY LIBRARY**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to approve the use of facilities for the Lyndonville Baseball League for June 17, 2015 and the Lyndonville Fire Department & Auxiliary for June 20, 2015 and the Yates Community Library for August 10, 2015.

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

**Report – Fire Chief Gerety**

- Gun Raffle - August 22, 2015 from 1:00pm to 5:00pm will be this year's annual gun raffle.

**RESOLUTION NO 2015-93**

**LYNDONVILLE FIRE DEPARTMENT GUN RAFFLE**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to approve the Lyndonville Fire Department gun raffle on August 22, 2015.

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

- Lyndonville #10 - Back in services now after having some repairs made. The tank still needs to be replaced. The Fire Department received a quote of around \$15,000.00 to have the tank replaced. Chief Gerety asked if the funds for the repair could be taken from the NYCLASS Fire Comp reserve account instead of using the current years budgeted equipment funds. Clerk-Treasurer Woodworth stated the 2015/2016 budgeted \$10,000.00 for the NYCLASS reserve has not been transferred yet and those funds could be used as well as the final figure remaining in 2014/2015 hasn't been transferred yet as bills from the prior year are still coming in. Therefore between the two there are funds available.

**RESOLUTION NO 2015-94**

**REPAIRS ON LYNDONVILLE #10**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to approve having the tank replaced and any other necessary repairs done to Lyndonville #10 with the limit not exceed \$20,000.00.

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

- Chief Gerety mentioned an email and asked when that would be discussed. Trustee Woodward Jr. stated that would be handled at the separate meeting.
- Chief Gerety asked the proper chain of command be followed that he be contacted directly and to not go through his line officers or the board of directors President.
- Chief Gerety requested that Public Safety Committee have a meeting regarding the Fire Department agreement with the Village and the Town to review and have the necessary parties sign the agreement. Trustee Woodward Jr. stated he will schedule the meeting.
- Report - YTD calls – 105, MTD calls – 15 (6 – EMS in Village, 5 – EMS in Town, 1 - Brush Fire, 2 - Auto Alarm, and 1 - CO Detector)
- Controlled Burn - Chief Gerety mentioned the Lyndonville Fire Department did a controlled burn was done on Marshal Road. He stated paperwork was completed with the Orleans County Emergency Management office. Upon completing the controlled burn DEC Officer Fonda asked Chief Gerety to return to the site where he was then ticketed for having an unauthorized controlled burn. Chief Gerety is scheduled for court and will keep the Board up to date on the outcome. Trustee Woodward Jr. inquired if Attorney Schubel would represent Chief Gerety in this matter. Attorney Schubel advised he's only bound to represent Village Officials that the Fire Department Attorney would need to represent Chief Gerety.

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**Report – Code Enforcement Young**

- Report: 1 -Building Permit and 1 - high grass violation notice
- Scheduling 1203 inspections.

**Report – Attorney Schubel**

- Planning Board - Attorney Schubel spoke with 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 has contacted New York State regarding this and they are looking into it further.
- Background Checks - Clerk-Treasurer Woodworth mentioned to Attorney Schubel that the Orleans County Sheriff's Department will no longer do background checks for the Village regarding Solicitors/Peddlers permits and Games of Chance licenses. Attorney Schubel was asked by the Board if he could speak with Sheriff Hess regarding this and pursue other options if the Sheriff's Department is unable to assist the Village.

**Report – Clerk-Treasurer Woodworth**

- TWC property tax - Per Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee is to be deducted from the taxes levied on a special franchise. Attorney Schubel advised this was correct and no resolution would need to be done annually as it was done prior.
- Income limit for property tax exemption for persons sixty-five and over - Clerk-Treasurer Woodworth presented the Board with the new limits the Town of Yates just adopted as well as the Village's current limits. Clerk-Treasurer Woodworth asked the Board to consider increasing the limit to match the Town of Yates as several seniors called expressing their concerns about losing their exemption this year on their Village taxes. The Board will take it into consideration prior to the next Village tax roll.
- Carla Woodworth - Clerk-Treasurer Woodworth mentioned Carla Woodworth had planted the planters in the Village again this year and presented she be paid \$150.00 for this service as she has been in the past.

**RESOLUTION NO 2015-95**

**PAY CARLA WOODWORTH FOR PLANTING THE VILLAGE PLANTERS**

**ON MOTION** of Trustee Covell, seconded by Trustee Tuohey to pay Carla Woodworth \$150.00 for planting the Village planters.

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

- AUD - Clerk-Treasurer Woodworth requested an extension on filing the Village's AUD for 2015.
- "Cadillac" Tax - Clerk-Treasurer Woodworth mentioned that the Affordable Care Act will be implementing a new tax starting 2018 to tax employers who have high-cost group health coverage.
- Police Report - Confirmed everyone received Officer Larkin's police report.
- Vouchers – Abstract A12-3 #2547 - 2552 to be paid

General	\$ 939.67
Water	\$ 1,918.36
Sewer	\$ 829.09
<b>Grand Total</b>	<b>\$ 3,687.12</b>

**RESOLUTION NO 2015-96**

**VOUCHERS TO BE PAID FOR ABSTRACT A12-3-2015**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A12-3 Vouchers #2547-2552.

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

- Vouchers – Abstract A2 #10030 - 10106 to be paid

General	\$ 38,011.60
Water	\$ 14,452.66
Sewer	\$ 13,306.62
Payroll	\$ 9,159.22
<b>Grand Total</b>	<b>\$ 75,230.10</b>

**RESOLUTION NO 2015-97**

**VOUCHERS TO BE PAID FOR ABSTRACT A2-2016**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A2 Vouchers #10030 - 10106.

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

**Report – Superintendent Woodworth**

- North Wall - Superintendent commended AGC Construction for the great job repairing the north wall.

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- 15 Eagle Street - Superintendent Woodworth has a pre-demolition meeting tomorrow and the demolition is scheduled to start on July 20, 2015. Clerk-Treasurer Woodworth will send out a letter notifying the surrounding neighbors. Envoy provided the estimated cost of \$1,672.00 for the air monitoring for the demolition.

June 15, 2015

Mr. Terry Woodworth  
Superintendent of Public Works 2 South Main Street  
Lyndonville, New York 14098

Re: Asbestos Air sampling and visual inspections for a Controlled Demolition at 15 Eagle Street located in Lyndonville, New York

Dear Mr. Woodworth

Envoy Environmental Consultants, Inc proposes Air Monitoring, visual inspections by a project monitor, and laboratory analysis for the asbestos removal project located at the above mentioned job site. Envoy's price is based on 2 days of abatement a(controlled demolition).

Envoy Environmental Consultants, Inc. hereby proposes to furnish all labor, supplies, materials, and equipment incidental to environmental consulting as required by and in strict accordance with all Federal, State, and Local regulations.

**SCOPE OF WORK**

Work in this contract is to include the following services:

- Air sampling and final visual inspection by a project monitor, and laboratory analysis to fulfill the requirements of New York State Department of Labor (NYSDOL) Asbestos Industrial Code Rule 56, 12NYCRR 56 as Amended January 11<sup>th</sup> 2006. Final Clearance air sample will be run per AHERA.
- Air sampling activities and visual inspection by a project monitor will be coordinated with the Contractor's schedule of abatement work. Our ability to complete the Visual Inspection is based upon the ability to review the documentation of the scope of work for the project.
- All air samples collected during the course of the project will be analyzed by Paradigm Environmental Services, Inc., a NYDOH/ELAP certified laboratory.
- All air sample analysis will be performed utilizing PCM with an option to utilize TEM after the approval from the Client.
- Air sampling results generated by Paradigm Environmental Services, Inc. will be available to the Contractor and Client for information and consideration within forty-eight hours after the completion of the sampling.
- Final air clearance sampling and analysis will be performed by Phase Contrast Microscopy (PCM) in accordance with Industrial Code Rule 56, Subparagraph 56-4.11., upon conclusion of the asbestos abatement project. This air sampling monitoring will be conducted to establish that the Contractor has met the clearance criteria for airborne fibers.
- A complete record of all air sampling results, daily air monitoring logs, maps and the final visual inspection document will be furnished to the Client within seven working days upon project completion.

**ESTIMATED COST**

<b>Labor</b> .....	<b>\$1,272.00</b>
<b>Analytical (PCM)</b> .....	<b>\$400.00</b>
<b>Total</b> .....	<b>\$1,672.00.</b>

Envoy appreciates this opportunity to provide you with our professional services. If you have any questions, please feel free to contact me at (585) 454-1060.

**RESOLUTION NO 2015-98**  
**AIR MONITORING**

**ON MOTION** of Trustee Tuk, seconded by Trustee Woodward Jr. to approved the expense of \$1,672.00 for the necessary air monitoring for demolition of 15 Eagle Street.

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

- Flood Gates - Superintendent Woodworth will get together with John Paul Schepp from Chatfield Engineers regarding moving forward on replacing the flood gates by the dam.
- Sidewalks and Trees - Superintendent Woodworth and Trustee Tuk will start working on surveying sidewalks and trees in the next couple of weeks.
- 22 West Avenue Tree - Superintendent Woodworth received a letter from the property owner at 22 West Avenue. Superintendent Woodworth would like the Village to hire an independent arborist to look at the tree prior to an further action is taken.

July 10, 2015

Christopher T. Carroll  
22 West Avenue, PO Box 19 Lyndonville, New York 14098  
e: [dukcoolcim1970@yahoo.com](mailto:dukcoolcim1970@yahoo.com)

Lyndonville Board of Trustees and Superintendent of Public Works  
2 South Main Street  
Lyndonville, New York 14098

Dear Village Trustees and Superintendent Woodworth:

Thank you for your recent correspondence regarding my property, and request for removal of the horse chestnut tree in the front, east portion of my property. It is regretful that you find the tree in a state of death and have ordered the tree removed. Thank you also for the pictures provided in the notice.

To fully understand, I am requesting you provide me with any additional reports pertaining to how this tree was determined to be dead, as stated in your removal order. I am also requesting information regarding the qualifications of the person(s) that made the assessment. Certainly as a tax paying property owner in this beautiful village, I would never consider risking the health of any of its residents by having a tree in a dangerous state of health, and would certainly comply with a reasonable

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request to remove a tree that posed a public risk.

Please see the included report by professional arborist Ryan Cooke, CCF, of Legacy Woodland Services. Mr. Cooke has the experience and background to be able to determine the health of the tree you have ordered removed, and he does not consider the tree in a state of death, but rather 'in good health and vigor'. I also believe that any tree that is in full bloom and producing the expected foliage could not be classified as dead

Based on Mr. Cooke's report, and the visual health of the tree in question, I do not find your order of removal either reasonable or legal. Your order stated the tree is 'dead' and poses a safety concern to the neighboring property. The tree clearly is not dead. Please note that all damaged areas of the tree which are included in the pictures sent with your order for removal are at the hands of the owner of the neighboring property. Mr. Cooke also makes mention of this damage in his assessment.

I have retained legal counsel to prevent removal of said tree, either at my independent action/expense or the Village. Please consider this letter a formal notice that I do not plan to remove the tree, and based on a professional assessment by a qualified individual, I would consider any action of the Village of Lyndonville to access my property to remove the tree a violation of the law.

Please provide me with evidence to the contrary of Ryan Cooke's qualified assessment of the health of this tree, including the qualifications of whomever made the assessment, or rescind your order of removal. I am requesting either option be provided in writing no later than July 14, 2015. Please also note that if the matter proceeds further into a legal arena, I will request my legal counsel also seek any applicable court costs, legal fees, or additional arborist or professional fees associated with defending my position, as well as any additional monetary damages my attorney deems appropriate, at the expense of the Village of Lyndonville.

Thank you for your time and thank you in advance for your response.

Sincerely,  
Christopher Carroll

Ryan W. Cooke, CCF  
Legacy Woodland Services 372 Morgan Street  
Tonawanda, NY 14150

Dear Mr. Carroll:

You requested a tree health assessment for your Horsechestnut (*Aesculus hippocastanum*) tree in your front right yard. Upon completing an on-site visit and evaluation of the tree, **I concluded that the Horsechestnut is in good health and vigor.**

*Tree Description:*

The following bio metrics of Horsechestnut (located at 22 W. Ave Lyndonville, NY) were gathered:

- Tree Height: 68 ft.
- Tree DBH: 39.9 in.
- Tree Drip Edge Diameters: 56 ft.x 34.5 ft

*Methods and Observations:*

The tree was sounded with a hammer around the bole of the tree to check for decay and hollowness. It was not hollow around the stump or the bole of tree. There was a noticeable cavity on the east side of the tree that was hollow approximately 1 ft. into the tree. This decay however, through sounding the surrounding area, did not appear to be compromising the lower or upper bole of the tree. The crown and upper leads were visually observed and appeared in great health. No hangers or large hazardous limbs were observed in the crown. The leaf margins did show positive sign of Leaf Scorch. It has been noted in Cornell University's *Branching Out*, Volume 20 No. 5 that leaf scorch can be environmentally caused, however is not conclusively proven and can occur year after year on the same trees without mortality. The east side also showed a history of pruning resulting in flat sided, mis-shapen crown.

**Overall, it is my professional opinion that the Horsechestnut (located at 22 W. Ave Lyndonville, NY) is in good health for its age and location.** The crown is full and leaf production is excellent. The tree is offering great environmental and societal benefits such as shade, food, shelter, O2 production, aesthetics, spiritual, and estate value, stormwater runoff, and decreasing impervious surface area, etc.

Sincerely,



Ryan W. Cooke

- Water Tower Mixer - PAX Water Technologies is the sole source for the high-efficiency PAX water mixer. Their estimated cost for the mixer and installation is \$16,000.00.

**RESOLUTION NO 2015-99**  
**WATER TOWER MIXER**

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey to approved the purchase and installation of the PAX Water Mixer for the water tower with a spending limit not to exceed \$17,000.00

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

- Water Rate Agreement - Chatfield Engineers is currently working on the water rate agreement between the Town of Yates and the Village of Lyndonville. Superintendent Woodworth and Clerk-Treasurer Woodworth are working on obtaining all the necessary information to reevaluated the agreement.
- High water bills forgiveness policy - Superintendent Woodworth mentioned the NYCOM administration of public water and sewer utility systems regarding giving refunds/forgiveness. The Board discussed the document as well as how other municipalities do not allow for forgiveness. Attorney Schubel advised it was best not to allow for forgiveness and to adopt a resolution stating such.

**RESOLUTION NO 2015-100**  
**NO LONGER ALLOW FOR FORGIVENESS ON WATER/SEWER BILLS**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Covell to no longer allow for forgiveness on any and all water/sewer bills.

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

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**Report – Trustee Tuohey**

- Nothing

**Report – Trustee Tuk**

- Nothing

**Report – Trustee Covell**

- Nothing

**Report – Trustee Woodward Jr.**

- Fire Department Contract - Trustee Woodward Jr. asked that Board approve the Fire Department Agreement as it reads with the updated changes.

THIS AGREEMENT dated as of the 1st day of June, 2015, by and between the TOWN BOARD OF THE TOWN OF YATES, ORLEANS COUNTY, NEW YORK, hereinafter designated as "TOWN", and the VILLAGE OF LYNDONVILLE, ORLEANS COUNTY, NEW YORK, hereinafter designated as "VILLAGE".

WHEREAS, there has been duly established in said Town of Yates a Fire Protection District embracing territory in the Town wholly outside of the Village of Lyndonville. Such territory is more fully described in a Resolution establishing the said district duly adopted by the Town Board of the Town of Yates on March 10, 1937, and

WHEREAS, following a public hearing duly called by the said Town Board, the Town was duly authorized to contract with the Village for fire protection to the said Fire Protection District upon terms and provisions hereinafter set forth,

NOW, THEREFORE, the Town does engage the Village to furnish fire protection to the Town of Yates Fire Protection District and the Village agrees to furnish such protection in the following manner, to wit:

1. The Fire Department of the Village shall at all times, during the period of this Agreement, be subject to all calls for attendance upon any fire, emergency medical service calls, motor vehicle accidents and/or hazardous conditions occurring in the said Fire Protection District, and when so notified by alarm or telephone call from any person therein concerning a fire or above mentioned situation therein, the said fire department will respond and attend upon the fire or situation without delay, with one or more companies and such suitable trucks, pumping and hose apparatus and ladders of the Village as may be necessary. Upon arriving at the scene of the fire or situation, the firemen of the Village attending shall proceed to extinguish the fire and/or deal with the situation for the saving of life and property in connection therewith.
2. In consideration of the furnishing of the said aid and use of its apparatus, as foresaid, the Village shall receive from the Town a sum, calculated as hereinafter provided, for each fiscal year of the Village during the term of this contract. One-half of the payment shall be due in February and the remaining one-half shall be due in April.

Village Fiscal Year	One-Half Payment Due <u>On or Before</u>	One-Half Payment Due <u>On or Before</u>
a. 2016-2017	February 28, 2016	April 30, 2016
b. 2017-2018	February 28, 2017	April 30, 2017
c. 2018-2019	February 28, 2018	April 30, 2018
d. 2019-2020	February 28, 2019	April 30, 2019
e. 2020-2021	February 28, 2020	April 30, 2020

The Town covenants and agrees, on behalf of the said Fire Protection District, to pay the sum, calculated as hereinafter provided.

3. The Village Clerk-Treasurer shall annually during the term of the Agreement, not later than the fifteenth (15<sup>th</sup>) day of August, file with the Town Budget Officer the sum, calculated as hereinafter provided, for the payment due in the ensuing calendar year.

The sum to be paid by the Town shall be calculated as follows:

The Village fire budget shall be allocated between the Town and the Village by using the following ratios:

Village Total Assessed Value

Town Total Assessed Value  
Total Assessment

Village Total Assessed Value ÷ Total Assessment = Village's % × Total LFD Operating Budget = Village's Portion  
Town Total Assessed Value ÷ Total Assessment = Town's % × Total LFD Operating Budget = Town's Portion

4. The parties hereto agree to form a joint Public Safety Committee comprised of two (2) Town Board members and two (2) Village Board members. The Public Safety Committee shall be charged with the planning and review of all issues relative to fire protection and ambulance services as well as other related public safety issues. The Village Fire Company shall annually develop the fire company budget and submit a recommended fire company budget to the Public Safety Committee. The Public Safety Committee shall receive and review the budget, and make any adjustments it deems appropriate. Such budget shall then be submitted to the Village Board for its review and inclusion in the Village budget. In the event of default by the Public Safety Committee, the Village Board shall use the prior year's budget plus any increased contractuals.
5. The Village shall be responsible for any and all loss or damage to fire apparatus sustained in answering such fire calls and shall be further responsible for the payment of all claims for injuries to or death of firemen in connection with the said calls in such amounts and in such manner as if the calls were duly made within the Village of Lyndonville.
6. All moneys to be paid under any provision of this Agreement shall be charged upon the taxable property of the said district and collected by the Town along with the annual Town taxes.
7. Per Village Resolution No. 96-52 - Fire Co. Savings Account - On motion of Marc Scarr, seconded by Steve McAvoy, that the Fire Co. Savings account (NYCLASS FIRE COMP) has been established for the purchase of equipment for the Fire Co.. This account is controlled by the Village Board and not the Fire Co.. All moneys remaining within the Fire Co. budget account after the payment of year end bills shall be transferred into this account, for the purpose of purchasing equipment. If the Village Board does not put the unused funds from the

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Fire Departments budget into the NYCLASS FIRE COMP account then the correct percentage of unused money gets returned to the Town.

8. Members of the Village Fire Department, while engaged in the performance of their duties in answering, attending upon or returning from any call provided by this Agreement, shall have the same rights, privileges and immunities as if performing the same within the Village of Lyndonville.
9. This Agreement shall continue for a period of five (5) years commencing June 1, 2015 and terminating May 30, 2020.

**RESOLUTION NO 2015-101**  
**FIRE DEPARTMENT AGREEMENT**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to approve the Fire Department Agreement as it reads.

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

- Police Car - Trustee Woodward Jr. has received confirmation from Legislator Johnson that Orleans County has a police car that they would be willing to sell to the Village for \$2,000.00. The \$2,000.00 would include any necessary repairs that were needed prior to being purchased, the light bar and radio installation. Trustee Woodward Jr. asked that a Village representative look at the car as well as a repair shop of the Village's preference prior to purchasing. The Board felt Superintendent Woodworth and or Officer Larkin should look at the car.

**RESOLUTION NO 2015-102**  
**PURCHASE OF A POLICE CAR**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Covell to approve the purchase of a police car from Orleans County for \$2,000.00 pending it passes inspection and approval of the Board.

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

**Report – Mayor McAvoy**

- Lions Club Letter - Mayor McAvoy read a letter from the Lyndonville Lions Club thanking the Village for their contribution toward the 4th of July and all the hard work the Village puts in preparing for the event.

**OLD BUSINESS:**

- Local Law 1987-1 - Attorney Schubel is looking into further.
- Fire Department Member's drug/alcohol tests - Clerk-Treasurer Woodworth still hasn't received results from the last four pending approved members. Chief Gerety stated he will take care of it.
- Employee Handbook - Clerk-Treasurer Woodworth asked the Board to review the updates for approval.
- Capital Fund for the Waste Water Treatment Plant - Attorney Schubel will contact Jeff Smith from Municipal Solutions regarding the State program for Waste Water Treatment Plants.

**NEW BUSINESS:**

- SBA Agreement - Mayor McAvoy asked Attorney Schubel to review the proposed buyout agreement from SBA. The Board will consider discussing whether to keep or sell the cell tower on West Avenue sometime in the future.
- Lyndonville Fire Department member Ben Walker asked to speak, he works locally in the Village and his employer is one of the few that allows him to leave work to respond to calls. However he stated until the Village Board can work things out with the Lyndonville Fire Department he is resigning from the Fire Department effective immediately. Trustee Tuk offered to attend a meeting with the Lyndonville Fire Department so he could shed some light on their concerns regarding an email he sent.

**ON MOTION** of Trustee Covell, seconded by Trustee Tuohey, to adjourn the meeting at 7:42 p.m.

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

*Teri Woodworth*  
Clerk-Treasurer