

**Special meeting of the Trustees, Village of Lyndonville was held on Friday, July 17, 2015 at the Village Hall.
Meeting opened at 4:00 p.m.**

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|----------|--------------------------|-----------------------------|
| PRESENT: | Mayor: | Stephen C. McAvoy |
| | Trustees: | Charles Covell |
| | | James Tuk |
| | | Ellen Tuohey |
| | | Danny Woodward Jr. - Absent |
| | Clerk-Treasurer | Teri Woodworth |
| | Supt. of Public Works | Terry M. Woodworth |
| | Code Enforcement Officer | Aaron Young - Excused |
| | Attorney | David Schubel - Excused |
| | Fire Chief | Jason Gerety - Excused |
| | Public: | |

Report – Superintendent Woodworth

- New York State Department of Transportation - Superintendent Woodworth received paperwork from NYS DOT requesting the Village adopt their resolution and utility work agreement for the Route 63 bridge replacement north of the White Birch.

RESOLUTION NO 2015-103

GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

WHEREAS, the New York State Department of Transportation proposes the Replacement of Culvert (CIN CA00264), NY Route 63 Over Unnamed Creek Near MM 63 4505 1156, Town of Yates, Orleans County, P.I.N. 4063.52.301, and

WHEREAS, the State will include as part of the improvements of the above mentioned project, a 12-inch ductile iron active water line will be exposed by proposed construction. No adjustments are expected at this time. The work will be performed in accordance with the requirements of the owner, under Section 40, Subdivision 24, of the State Highway Law, as shown in the contract proposal relating to the project, and

WHEREAS, the service life of the adjusted and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the performance of the above mentioned work, as shown in the contract proposal relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the Village of Lyndonville approves the exposure of their 12-inch water line for the above mentioned work performed on the project, as described in the project proposal relating to the project and that the Village of Lyndonville will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the Mayor has the authority to sign any and all documentation that may become necessary as a result of this project as it relates to the Village of Lyndonville and

BE IT FURTHER RESOLVED: That the Village Clerk to the Village of Lyndonville is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to accept and authorize Clerk-Treasurer Woodworth to sign the NYS DOT resolution granting the State of New York Authority to perform the adjustment for the owner and agreeing to maintain facilities adjusted via State-Let contract.

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

RESOLUTION NO 2015-104

NEW YORK STATE DEPARTMENT OF TRANSPORTATION UTILITY WORK AGREEMENT

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 4063.52.301

F.A. Project No.:

ROW Declaration No:

Map Nos.:

Parcel Nos.:

County of: Orleans

Project Description: Culvert (CIN CA00264) Replacement, NY Route 63 Over Unnamed Creek Near MM 63 4505 1156, Town of Yates, Orleans County, P.I.N. 4063.52.301, necessitates the adjustment of utility facilities as hereinafter described, the owner, Village of Lyndonville, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note, "Coordination with the Utility Schedule," and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. Existing Facilities (describe type, size, capacity, location, etc.):

One (1) 12-inch active ductile iron water line,

currently located on STATE Right-of-Way in the Town of Victor, Ontario County

(Indicate State, County, City, Town, Village, Private, etc.)

as shown on the plans for the proposed transportation project are to be adjusted as follows:

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(describe type, size, capacity, location, etc.)

Is expected to be exposed during wing wall in accordance with project plans and the attached Utility Special Notes under Ref. No. 5 - A
for an estimated \$ 0

II. Financial Responsibility (check appropriate boxes):

- The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work
- Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)
- Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)
- Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.
- Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.
- The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, with the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

III. Physical Adjustment Method (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method(s):

- Contract let by the Commissioner.
- Contract let by the Owner, (check applicable statement, i.e., a or b)
 - a. Best Interests of State.
 - b. Utility not sufficiently staffed or equipped.
- By the Owner's forces.

IV. Betterment, Salvage, and Depreciation Credits Due the Project (Check appropriate boxes):

- There will be no extension of service life, improved capacity nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- There is a betterment described as follows:
 - The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
 - The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of \$ 0 to cover the cost of the betterment as described above.
 - The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide 645 with respect to salvage and depreciation credits when applicable.

V. General Covenants:

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- A. Privately Owned Property Agreement executed prior to the performance of the work.
- B. Municipal Agreement executed prior to performance of the work.
- C. Reimbursement Agreement executed prior to performance of the work.
- D. Such other agreement as approved by NYSDOT Office of Legal Affairs.

VI. References:

The following documents are herewith incorporated in this agreement by reference:
(check appropriate boxes)

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- Federal Highway Administration's Federal-Aid Policy Guide Part 645.
- Contract Documents: Contract No.: D262920
P.I.N.: 4063.52.301
Plan Sheets No. GNP-01
- Owner's plan sheets No.
- Owner's estimate sheets form No. _____
- Resolution dated: _____ by the
 - Granting the State of New York authority to perform the adjustment for the owner.
 - Agreeing to maintain facilities adjusted via State-let contract.
 - Authorizing deposit of funds by the owner.
- Certification by the owner or his agent that he has the legal authority to enter into this agreement.

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to accept and authorize Mayor McAvoy to sign the NYS DOT utility work agreement with the correction of the Town of Yates, Orleans County instead of the Town of Victor, Ontario County.

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

- Sam's Apparatus - Superintendent Woodworth has spoken with Sam from Sam's Apparatus and he expressed concerns that he wouldn't be able to repair Lyndonville 10 for the amount he quoted. The Board discussed they would like to be informed of any expenses over \$16,000.00 but cannot exceed \$20,000.00.
- Sidewalk project - Superintendent Woodworth asked for approval to put the sidewalk project out to bid with all bids due back by noon on August 10, 2015.

RESOLUTION NO 2015-105
SIDEWALK PROJECT BIDS

ON MOTION of Trustee Covell, seconded by Trustee Tuk to put the sidewalk project out to bid with all bids back to Clerk-Treasurer Woodworth by noon on August 10, 2015

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

Report – Clerk-Treasurer Woodworth

- Lions Club T-Shirts - Wes Bradley contacted Clerk-Treasurer Woodworth to inquire if the Lyndonville Lions Club 4th of July T-shirts could be sold at the Village Hall. The Board discussed their concerns of exchanging of funds. Clerk-Treasurer Woodworth offered the idea of the Lions Club having the T-shirts stored at the Village Hall and that shirts be paid for via credit card through the Village's website or the Lyndonville Lions Club setup a 4th of July website. Clerk-Treasurer Woodworth would be willing to assist with the website as well as getting the credit card payments setup through Hamer Enterprises who the Village uses.

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to adjourn the meeting at 4:37 p.m.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

Teri Woodworth
Clerk-Treasurer