

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, August 10, 2015 at the Village Hall. Meeting opened at 6:01 p.m.**

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

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell, to accept the minutes of the July 13, 2015 regular meeting and July 17, 2015 special meeting.

Vote: 3 Ayes (Covell, McAvoy, Tuk.); 0 Nays; 0 Abstain

**PRIVILEGE OF THE FLOOR:**

- Nothing

**USE OF FACILITIES**

- Village Hall – Tow of Yates is requesting use of the Village Hall on September 10, 2015 from 7:00pm for their Board Meeting.

**RESOLUTION NO 2015-106**

**USE OF FACILITIES - TOWN OF YATES**

**ON MOTION** of Trustee Covell, seconded by Trustee Tuk to approve the use of facilities for the Town of Yates September 10, 2015.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

**Report – Fire Chief Gerety**

- Report - YTD calls – 127, MTD calls – 23 (10 – EMS in Village, 2 – EMS in Town, 1 - Pumping Detail, 3 - Hazardous Conditions, 1 - MVA in the Town, 1 - Good Intent, 1 - Auto Alarm, 1 - Police Emergency, 1 - M/A FAST to Medina, 1 - M/A to Ridgeway and 1 - M/A to Carlton)
- Court - Chief Gerety went to court regarding his tickets from the controlled burn. He received a conditional discharge and has to stay out of trouble for six months.
- Lyndonville #10 has been dismantled and it will be approximately six weeks or more before the new tank is installed.
- Lyndonville Fire Department's annual Gun Raffle will be August 22, 2015.
- The Fire Department just completed the most recent ISO reporting requirements and should have the results in September.
- Clerk-Treasurer Woodworth requested a meeting with Chief Gerety and the Fire Department Board of Directors regarding paperwork and procedures for new members. Chief Gerety will let Clerk-Treasurer Woodworth know when the next Board of Directors meeting is to discuss things then.
- Fire Department Agreement - The Board must hold a public hearing prior to approving the Fire Department Agreement. The Board set the public hearing for September 14, 2015 at 6:15pm.

**RESOLUTION NO 2015-107**

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

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell to rescind Resolution No 2015-101 for the Fire Department Agreement until the public hearing is held on September 14, 2015.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

- Clerk-Treasurer Woodworth discovered the Fire Department had a credit of \$171.87 with Galls from 2011/2012 and has had that credit applied to the most recent invoices.
- Resignation of Fire Department member Ben Walker - Clerk-Treasurer Woodworth mentioned Ben Walker giving his resignation verbally at the last Village Board meeting and stated per the Fire Department By-Laws Mr. Walker should have given his resignation in writing. Clerk-Treasurer Woodworth asked for a copy of his resignation in writing to be added to his file. Chief Gerety stated Mr. Walker withdrew his resignation.
- Trustee Tuk mentioned he had read the Fire Department By-Laws and had several questions and concerns. He specifically noted the Fire Department elections that nominations are to come to the Village Board in November and he doesn't believe this is happening. Also he asked for some clarity on the annual reports that are to be filed with the Orleans County Clerk's Office about the Fire Department and if this is in fact happening. Chief Gerety stated the report is only about the Fire Department nothing the Village owns and it had been filed with the Orleans County Clerk's Office.

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**Report – Code Enforcement Young**

- Report: 3 -Building Permit and 3 - 1203 Inspections completed

**Report – Attorney Schubel**

- Nothing - Excused

**Report – Clerk-Treasurer Woodworth**

- Background checks - Orleans County Sheriff's Department will no longer conduct background checks for the Village of Lyndonville. WorkFit Medical can perform the required background checks for the Village by having the individual complete a form and having the Village fax or email it in. The associated cost is \$65.00 per person. Clerk-Treasurer Woodworth asked that this cost be charged back to the individual or company needing the background check.

**RESOLUTION NO 2015-108**

**CHARGE BACK FOR BACKGROUND CHECKS**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell to authorize any costs associated with a background check be charged back to the individual or company.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

- KVS - KVS has increased their annual invoice by approximately 11% from last year. Clerk-Treasurer Woodworth has inquired about the increase and not satisfied with the answer or the services she receives from KVS. Clerk-Treasurer Woodworth is looking into new software and has asked KVS if the annual fees would be prorated if the Village was to terminate services prior to the year agreement. KVS was looking into this and did not provide an answer prior to the meeting. Clerk-Treasurer Woodworth strongly recommended that the Village pay KVS monthly until services are terminated.

**RESOLUTION NO 2015-109**

**PAY KVS MONTHLY UNTIL TERMINATION OF THE SOFTWARE**

**ON MOTION** of Trustee Covell, seconded by Trustee Tuk to have Clerk-Treasurer Woodworth to pay KVS on a monthly basis until the Village terminates the agreement and software with KVS.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

- Police Report - Confirmed everyone received Officer Larkin's police report.
- Vouchers – Abstract A3 #10122 - 10182 to be paid

General	\$ 42,625.26
Water	\$ 109,100.24
Sewer	\$ 60,612.96
<b>Grand Total</b>	<b>\$ 212,267.97</b>

**RESOLUTION NO 2015-110**

**VOUCHERS TO BE PAID FOR ABSTRACT A3-2016**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A3 Vouchers #10122 - 10182.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

**Report – Superintendent Woodworth**

- Best Tasting Water - Lyndonville won the Western Region Best Tasting Water contest and will be competing at the State level on September 1, 2015 at the New York State Fair.
- Trees Removal Quotes -

99 North Main Street	\$1,250.00	Top Notch Tree Service	Taken Down - Hard Maple
99 North Main Street	\$1,150.00	Orleans Co. Tree Service	Taken Down - Hard Maple
205 North Main Street	\$150.00	Top Notch Tree Service	Trim one branch
205 North Main Street	\$100.00	Orleans Co. Tree Service	Trim one branch
31 Garland Street	\$1,150.00	Top Notch Tree Service	Taken Down - Hard Maple
31 Garland Street	\$1,000.00	Orleans Co. Tree Service	Taken Down - Hard Maple
120 Maple Avenue	\$2,500.00	Top Notch Tree Service	Take Down - Soft Maple
120 Maple Avenue	\$2,400.00	Orleans Co. Tree Service	Take Down - Soft Maple
120 Maple Avenue	\$750.00	Top Notch Tree Service	Taken Down - Hard Maple
120 Maple Avenue	\$750.00	Orleans Co. Tree Service	Taken Down - Hard Maple

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**RESOLUTION NO 2015-111**

**TREE REMOVAL - 99 NORTH MAIN, 205 NORTH MAIN, 31 GARLAND STREET, 120 MAPLE AVE**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell, to accept Orleans Co. Tree Service's quote of \$1,150.00 to take down the hard maple at 99 North Main Street, \$100.00 to trim a branch at 205 North Main Street, \$1,000.00 to take down the hard maple at 31 Garland Street, \$750.00 to take down a hard maple at 120 Maple Avenue.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

- Arborist - Superintendent Woodworth is working on getting an independent arborist to assess the tree at 22 West Avenue. The property owner Mr. Carroll will not authorize the Village or the independent arborist to enter his property without him being present as advised by his attorney. The Board discussed having Superintendent Woodworth make two to three attempts to meet with Mr. Carroll and the independent arborist and if the independent arborist isn't able to complete the task then the Board would like Attorney Schubel to notify the property owner and his attorney that due to lack of cooperation any damage caused by the said tree will be fully the property owners responsibility.
- Micro paving on Lynwood Drive and Miller Drive - Suit-Kote has quoted \$ 11,430.00 to seal the two streets. Suit-Kote's quote is based on County bid.

**RESOLUTION NO 2015-112**

**MICRO PAVING OF LYNWOOD DRIVE AND MILLER DRIVE**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell, to accept Suit-Kote's quote of \$11,430.00 for Micro paving Lynwood Drive and Miller Drive.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

- Dam Control Gate :

**Chatfield Engineers, P.C.**

2800 Dewey Avenue  
Rochester, NY 14616

August 5, 2015

Terry Woodworth  
Village of Lyndonville  
2 South Main Street  
Lyndonville, NY 14098

RE: Village of Lyndonville - Dam Control Gate Improvements  
Engineering Services Proposal

Dear Terry:

Per your request, we are pleased to provide an Engineering Services Proposal for the above referenced project.

Our scope of services will consist of the following work:

- Review options for replacement versus abandonment of 2 of the 3 gates.
- Review options for the installation of a duel gate.
- Recommend improvements.
- Prepare contract plans and specifications for bidding the work for gate improvements and structural repairs to the control gate concrete structure.
- Administrate Contract.
- Provide part-time construction inspection.

I have enclosed our Scope of Services and Estimate Engineering Hours & Fees. Our estimated fees are \$14,334.00. Upon your approval please sign the acceptance line below.

**RESOLUTION NO 2015-113**

**DAM CONTROL GATE IMPROVEMENTS ENGINEERING SERVICES PROPOSAL**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell, to approve Chatfield Engineers, P.C.'s quote of \$14,334.00 to improve the Dam control gates.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

- Sidewalks - of the three contractors asked to submit bids for sidewalk replacement only one provided a sealed bid.

Sidewalk Bids 2015		
Company Name:	4 Inch	6 Inch
Pro Construction	\$7.90	\$7.90

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**RESOLUTION NO 2015-114**

**ACCEPTANCE OF SIDEWALK BID FROM PRO CONSTRUCTION**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell, to accept Pro Constructions bid for sidewalk replacement with the project to be completed no later than October 16, 2015.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

**Report – Trustee Tuohey**

- Nothing - Excused

**Report – Trustee Woodward Jr.**

- Nothing - Excused

**Report – Trustee Tuk**

- SBA Agreement - Trustee Tuk would like to have Attorney Schubel review the agreement from SBA. Clerk-Treasurer Woodworth will advise Attorney Schubel of this request.
- Water Tower Maintenance with Utilities Services Group - Trustee Tuk would like to see some references prior to having an agreement.
- Lyndonville Fire Department new members - The Board discussed no longer approving new members pending the proper paperwork and completed background checks. The Board would like everything completed and filed with Clerk-Treasurer Woodworth before any approval will be made going forward.

**RESOLUTION NO 2015-115**

**LYNDONVILLE FIRE DEPARTMENT NEW MEMBERS**

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell to no longer approve new members for the Fire Department pending paperwork and background checks. All paperwork must be completed and filed with Clerk-Treasurer Woodworth prior to any approvals going forward.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

- Trustee Tuk mentioned he's not picking on Chief Gerety. Trustee Tuk would simply like to know if anyone has actually read the By-Laws and there seems to be several items that are confusing. Trustee Tuk also mentioned he heard the keys for the beer tap are restricted however there should be no alcohol in the Fire Hall except for their approved functions as it's a Village owned building.

**Report – Trustee Covell**

- Trustee Covell requested some children at play signs be put up on West Avenue. Superintendent Woodworth will look into putting up some signs.

**Report – Mayor McAvoy**

- Nothing

**OLD BUSINESS:**

- Planning Board - Attorney Schubel is working on, Clerk-Treasurer Woodworth will follow-up.
- Local Law 1987-1 - Attorney Schubel is working on, Clerk-Treasurer Woodworth will follow-up.
- Employee Handbook - Clerk-Treasurer Woodworth asked the Board to review the updates for approval.
- Capital Fund for the Waste Water Treatment Plant - Attorney Schubel is working on, Clerk-Treasurer Woodworth will follow-up.

**NEW BUSINESS:**

- Tentative Union Contract -

**VILLAGE OF LYNDONVILLE  
AND  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL #264**

**TENTATIVE AGREEMENT  
August 6, 2015**

1. Article 12 - Overtime

Add

Section 12.4 - Employees, at their option, can request compensatory time off in lieu of overtime pay. Employees can use and/or accumulate up to twenty four (24) hours of compensatory time. The accrual shall be calculated at one and one-half (1-1/2) hours for each hour of overtime worked. For example, eight (8) hours of overtime worked would equal twelve (12) hours of compensatory time credit.

Section 12.5 - Request for compensatory leave must be submitted to the Department Head in writing at least forty-eight (48) hours in advance. Compensatory leave shall be used in increments of at least two (2) hours.

The purpose of this section is to provide additional time off; however if the employee does not use their accumulated compensatory time by May 1st of the fiscal year, they shall be paid out. Scheduled time off will be worked out within the department.

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2. Article 13 - Holidays  
No Change
3. Article 14 - Vacations  
No Change
4. Article 15 - Sick Leave  
Add  
Section 15.8 - When an employee has accumulated a maximum of one hundred twenty (120) sick days, he/she shall be paid \$55.00 per day of all earned sick days beyond the maximum of one hundred twenty (120) sick days accumulated. Such pay shall be given to the employees each year in a separate payroll period at the end of the fiscal year (May 31st).
5. Article 21 - Health Insurance  
Change:  
Employee's contribution of 20% for employees hired prior to June 1, 2015 and 25% contribution for employees hired after June 1, 2015.
6. Article 25 - General Provisions  
Change:  
Section 25.1 - The Village will provide \$160.00 every year for work boots and provide the following every two (2) years: \$175.00 for safety glasses, four (4) pairs of work pants and \$120.00 for work shirts. The Village will cover any costs associated with embroidering. The above shall be accorded to each member of the bargaining unit.
7. Article 26 - Duration and Termination  
Section 26.1 - This Agreement shall be effective as of the 1st day of June 2015, and shall continue in full force and effect until the 31st day of May 2016.
8. Appendix B - Wage Schedules

<u>Effective</u>	<u>Effective</u>
<u>6/1/2015</u>	<u>5/31/2016</u>
1.0% (Retro to 5/31/2015)	1.0%
\$22.27	\$22.49
9. Weekends and/or scheduled holidays maximum - three (3) hours No Change

**RESOLUTION NO 2015-116  
ACCEPT THE TENTATIVE UNION CONTRACT DATED AUGUST 6, 2015**

**ON MOTION** of Trustee Covell, seconded by Trustee Tuk to accept and approve the tentative Union Contract dated August 6, 2015.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

**ON MOTION** of Trustee Tuk, seconded by Trustee Covell, to adjourn the meeting at 7:50 p.m.

Vote: 3 Ayes (Covell, McAvoy, Tuk); 0 Nays; 0 Abstain

*Teri Woodworth*  
Clerk-Treasurer