

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, September 14, 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: Lee Kistner, Larry Wolfe, Tom Fraser

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to accept the minutes of the August 10, 2015 regular meeting with the change to report to Trustee Tuk's mention of the mixer changed to the water tower maintenance.

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

- Trustee Covell welcomed Larry Wolfe to the meeting.

USE OF FACILITIES

- Fire Hall – Clerk-Treasurer Woodworth noted a flier from Lyndonville Central School regarding homecoming weekend and a 5K at the Lyndonville Fire Hall. Clerk-Treasurer Woodworth asked the Board if they would consider approving the event and she will reach out to the school to obtain the proper paper working and insurance.

RESOLUTION NO 2015-117

USE OF FACILITIES - LYNDONVILLE CENTRAL SCHOOL

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to approve the use of facilities for Lyndonville Central School for October 3, 2015 pending Clerk-Treasurer Woodworth receives the necessary paperwork prior to the event.

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

PRIVILEGE OF THE FLOOR:

- Tom Fraser - Mr. Fraser asked the Village Board if there was a way to have his mothers house at 11499 Platten Road, two houses outside the Village limits connected into the Village sewer system. Mr. Fraser is aware that Mr. Heck who lives outside the Village limits has an agreement with the Village and is currently connected into the Village sewer system. Mr. Fraser stated the County is telling him he needs to put in a new septic system twice the size of the existing system. Superintendent Woodworth noted his concerns of if there would be enough depth for the proper pitch to connect to the system it may require a pump to be installed and maintained at the owners expense. There would also be a connection fee for connecting onto the Village's sewer system as well as quarterly billing charges based on the current Village sewer rates. Mr. Fraser stated he is just trying to search out all his options and this repair would need to be done prior to selling the house. Superintendent Woodworth will work with Mr. Fraser on getting some depth numbers to connect on at 201 Maple Avenue. Attorney Schubel will get together with Clerk-Treasurer Woodworth regarding connection fees if needed.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to open the public hearing on the proposed contact between the Village and the Town of Yates for fire protection by the Lyndonville Fire Company, Inc. at 6:15pm.

The Board inquired if anyone had any changes or concerns.

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.

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Village Fiscal Year	One-Half Payment Due <u>On or Before</u>	One-Half Payment Due <u>On or Before</u>
a. 2015-2016	February 28, 2016	April 30, 2016
b. 2016-2017	February 28, 2017	April 30, 2017
c. 2017-2018	February 28, 2018	April 30, 2018
d. 2018-2019	February 28, 2019	April 30, 2019
e. 2019-2020	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.

- The Village Clerk-Treasurer shall annually during the term of the Agreement, not later than the fifteenth (15th) 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

- 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.
- 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.
- 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.
- 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 Fire Departments budget into the NYCLASS FIRE COMP account then the correct percentage of unused money gets returned to the Town.
- 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.
- This Agreement shall continue for a period of five (5) years commencing June 1, 2015 and terminating May 30, 2020.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, to close the public hearing on the proposed contact between the Village and the Town of Yates for fire protection by the Lyndonville Fire Company, Inc. at 6:16pm.

RESOLUTION NO 2015-118
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

Report – Fire Chief Gerety

- Absent: EMS Captain Kistner gave report - YTD calls – 143, MTD calls – 16 (4 – EMS in Village, 5 – EMS in Town, 2 - Gas Leak, 1 - Grill Fire, 2 - M/A to Ridgeway, 1 - M/A to Carlton and 1 - M/A FAST to Medina)
- Lyndonville Fire Department's gun raffle went well.
- New Members - Clerk-Treasurer Woodworth noted that she requested a meeting with Chief and the Board of Directors last month and no meeting was scheduled. Clerk-Treasurer Woodworth advised the Board that going forward all proposed new members for the Fire Department will need to come to the Village Hall to complete their required paperwork as any new employee does. Each new member will have a permanent personnel file at the Village Hall that is kept in a secure, confidential and fire proof location. Clerk-Treasurer Woodworth will ensure all the paperwork makes it to the necessary agency's for insurances, background checks and drug and alcohol testing. Once this new procedure is in effect the approval process of new members will go much quicker and if this process is not followed Clerk-Treasurer Woodworth will not recommend the Board approve the new member. EMS Captain Kistner will obtain a blank copy of the Fire Departments new members application for Clerk-Treasurer Woodworth to use as part of the new members packet. Clerk-Treasurer Woodworth noted that she spent thirty-five minutes on the phone with WorkFit Medical straightening out all results come to Clerk-

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Treasurer Woodworth through secure email. WorkFit Medical advised Clerk-Treasurer Woodworth that Chief Gerety called and stated all results were to come to him at the Fire Department fax number. Clerk-Treasurer Woodworth noted this will not be happening anymore and informed the Board of the types of confidential information on the results that are returned. The Board agreed everything should be coming to Clerk-Treasurer Woodworth only. Attorney Schubel noted that WorkFit Medical should be doing the arson background check part as well and not the Orleans County Sheriff's Department.

- Donation letters - Clerk-Treasurer Woodworth inquired how much money is spent on the Fire Departments donation letters each year. She noted the Village of Lyndonville received nine letters and the Town of Yates received fifteen, that Fire Department might want to have their vendor look into this as it would save them some money.
- Raffles at the HoJack - Clerk-Treasurer Woodworth asked if EMS Captain Kistner had a report on funds made from the raffles at the HoJack. He did not but would get it to Clerk-Treasurer Woodworth. Clerk-Treasurer Woodworth just needs to verify additional raffle licenses are not needed through New York State Gaming Commission.

Report – Code Enforcement Young

- Report: 1 -Building Permit and 3 - 1203 Inspections completed

Report – Attorney Schubel

- SBA Agreement - Attorney Schubel has reviewed the SBA Agreement. Basically the Village would sell the property to SBA and the Village would be responsible for the property taxes as it would still hold title to the land. There are still other questions as to how large of an easement would be needed. Figuring out the real estate value, does the easement cover the fall zone. Trustee Tuk noted he spoke with Westbury water district and they advised don't sell. Attorney Schubel and the Board agreed it wasn't to the Village's advantage to sell the property.
- 261 North Main Street - Attorney Schubel will move forward with the lawsuit against the property owner at 261 North Main Street for the removal of a tree that was ordered to be taken down. Attorney Schubel sent the required notices which were ignored and returned to his office.
- Relevy of water for outside Village users - Attorney Schubel advised after reading the NYCOM bulletin on water services it advises that the Village isn't able to relevy for those users outside the Village. However several municipalities have agreements allowing for such charges to be relevied. Clerk-Treasurer Woodworth noted the Town of Yates and the Town of Carlton have this type of agreement and the Town of Yates Supervisor John Belson stated he would be ok with an agreement with the Village of Lyndonville and the Town of Yates. Attorney Schubel will look into it further.
- Planning Board - Attorney Schubel noted he's spoken with the Orleans County Department of Planning and Development Interim Director James Bensley and neither one has heard back from New York State regarding this. New York State is to issue some guidance on this. The Village Board would like Attorney Schubel to look into having a joint Planning Board with the Town of Yates and the Village Board.
- Local Law 4-2015 - Regulating Unsafe Buildings in the Village of Lyndonville and Repealing Local Law No. 1 of 1987 - Attorney Schubel has prepared a draft for the Board's review. The Board set a Public Hearing for Local Law 4-2015 for October 12, 2015 at 6:15pm.
- Capital Fund for the Waste Water Treatment Plant - Attorney Schubel is available next week to meet with the Board to discuss this more in depth. Clerk-Treasurer Woodworth will work on scheduling a good time.

Report – Clerk-Treasurer Woodworth

- Police Report - Confirmed everyone received Officer Larkin's police report.
- Union contract is being printed to be signed now that the official changes have been made.
- Send out twenty seven unpaid taxes, noted that's about average.
- Lyndonville Central School PTA would like to start displaying students art in local businesses. Clerk-Treasurer Woodworth has told them they can use the lighted display case located by the side door.
- The Salvation Army ARC of Buffalo - Clerk-Treasurer Woodworth presented the Board with an email and pictures of a donation bin The Salvation Army ARC would like to put next to the e-waste shed. Clerk-Treasurer Woodworth had two agreements for Attorney Schubel to review and advise which one he would prefer the Village use. Superintendent Woodworth noted this type of bin was approved prior when Todd Barker proposed it however it never happened. The Board was ok with the idea once Attorney Schubel approved an agreement.
- Halloween Trick-or-Treating Hours - Clerk-Treasurer Woodworth requested the appropriate auxiliary police to assist Officer Larkin on Halloween. Superintendent Woodworth requested the park be used for the shaving cream area again.

RESOLUTION NO 2015-119

TRICK-OR-TREATING HOURS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to set the 2015 Halloween Trick-Or-Treating hours to be from 6:00pm to 8:00pm on October 31, 2015.

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

- Vouchers – Abstract A4 #10206 - 10270 to be paid

General	\$	9,593.57
Water	\$	41,663.24
Sewer	\$	4,676.51

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Payroll	\$ 3,188.84
Grand Total	\$ 59,122.16

RESOLUTION NO 2015-120
VOUCHERS TO BE PAID FOR ABSTRACT A4-2016

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to have Clerk-Treasurer Woodworth to pay Abstract A4 Vouchers #10206 - 10270.

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

Report – Superintendent Woodworth

- Dam Survey - Chatfield Engineers, P.C. will need to have a survey done of the dam as the original survey from 1948 doesn't provide enough information for the State.
- 15 Eagle Street - Chatfield Engineers, P.C. has advised the Board to make the final pay out to Frederico Construction and Demolition in the sum of \$2,879.50. Superintendent Woodworth advised the Board he's not satisfied with the final grade and there's no grass growing. Chatfield Engineer's is aware of this and working with Frederico Construction and Demolition to either rectify this issues or the Village DPW will and will subtract off their costs associated for completing the job.
- Town of Yates - Superintendent Woodworth noted Town of Yates Highway Supervisor Wolfe is asking for the resident at 1765 Yates-Carlton Townline Road be allowed to connect onto the water services. The Board would like Highway Supervisor Wolfe to submit a letter in writing prior to the work being done.

RESOLUTION NO 2015-121
WATER SERVICES CONNECTION - 1765 YATES-CARLTON TOWNLINE ROAD

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to approve the connection to the Village water system for 1765 Yates-Carlton Townline Road pending Town of Yates Highway Supervisor Wolfe submits the request in writing prior to the connection.

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

- Patrol Car - Superintendent Woodworth inquire if anything was happening on obtaining a patrol car from Orleans County as the Village's patrol car is having some major issues and on its way out. Trustee Woodward Jr. stated he'll contact the County tomorrow.
- Sidewalk replacement project - Superintendent Woodworth noted the sidewalk project will start around October 1, 2015 and should be completed in a couple of weeks.
- 61 South Main Street - Superintendent Woodworth informed Trustee Tuk he checked his records and 61 South Main Street has 3/4 copper line going into the house.
- Christmas in Lyndonville - Superintendent Woodworth asked the Board for their approval to start preparing for the 3rd Annual Christmas in Lyndonville on December 5, 2015.

RESOLUTION NO 2015-122
3RD ANNUAL CHRISTMAS IN LYNDONVILLE - DECEMBER 5, 2015

ON MOTION of Trustee Covell, seconded by Trustee Woodward Jr. to approve December 5, 2015 as the 3rd annual Christmas in Lyndonville and approve the start of the preparations for it.

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

- Scrap Metal - Superintendent Woodworth would like the Board's approval to sell some miscellaneous scrap metal and well as any unusable parts off the old pump station from the Water Tower.

RESOLUTION NO 2015-123
SALE OF SCRAP METAL

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to approve Superintendent Woodworth to sell the miscellaneous scrap metal.

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

- Superintendent Woodworth noted three fire hydrants were replaced, one on Willowbrook Drive and two on Eagle Street.
- Clerk-Treasurer Woodworth asked that the HP PSC 2175 all-in-one printer that was the Code Enforcement Young's printer be declared surplus and be put in the e-waste shed for disposal as it no longer works.

RESOLUTION NO 2015-124
SURPLUS EQUIPMENT - HP PSC 2175 ALL-IN-ONE

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ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to declare the HP PSC 2175 all-in-one as surplus and dispose of it in the e-waste shed.

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

Report – Trustee Tuohey

- Trustee Tuohey mentioned Valerie Pratt would like to speak with the Village Board about possible grants to do upgrades to Main Street. Trustee Tuohey will ask Ms. Pratt to come to the next Village workshop.

Report – Trustee Tuk

- Utilities Services Group - Trustee Tuk noted he spoke to John Ingram the Superintendent of the Westbury Water District regarding Utilities Services Group and their maintenance program. Superintendent Ingram has offered to share all the information he has if the Village decides to go with Utilities Services Group. Trustee Tuk gave Superintendent Woodworth the necessary information for him to look into this further.
- Water Rate Assessment - Trustee Tuk has spoken with Paul Chatfield from Chatfield Engineers, P.C. and they have everything they need to start working on the Water Rate Assessment with the Town of Yates. Trustee Tuk noted the agreement doesn't cover future maintenance on the Water Tower he would like to see it worked out as a joint expense with the Town of Yates.
- Curley's Lyndonville Hotel Building Permit -Trustee Tuk inquire if Curley had a building permit for his kitchen expansion. Code Enforcement Young stated he did have a building permit however it expired on December 12, 2014. Code Enforcement Young has offered Curley two six month extensions on his permit he was suppose to come in on September 14, 2015 to pay. Clerk-Treasurer Woodworth noted he did not come. Code Enforcement Young stated he would take care of it on Friday. Trustee Tuk asked that building permits not be approved pending anything that they must be complete prior to a permit being issued.
- Lyndonville Fire Department Members By-Laws - Trustee Tuk noted that Trustee Covell and Trustee Woodward Jr. are on the Public Safety Committee for the Fire Department and suggested they review the By-Laws and review with the Fire Department as there are several items that that need review and questions answered. He also noted the required reports noted in the By-Laws are not being reported to Orleans County.

Report – Trustee Woodward Jr.

- Patrol Car - Trustee Woodward Jr. has been off of work and hasn't heard anything from the County about a patrol car. He will contact them tomorrow to get things moving forward on having Officer Larkin look at the proposed patrol car available to be purchased.
- Fire Department Members on Disability - Trustee Woodward Jr. inquired if Fire Department members are allowed to attend meeting if they are out on disability. Clerk-Treasurer Woodworth advised the Village of Lyndonville doesn't have a light duty policy therefore all individuals either employee's or Fire Department members must have a doctor's note clearing them as 100% in order to return.

Report – Trustee Covell

- Nothing

Report – Mayor McAvoy

- Mayor McAvoy stated he will be resigning in writing at the end of the month.

OLD BUSINESS:

- Employee Handbook - Clerk-Treasurer Woodworth asked the Board to review and consider the following for approval for the non-union employee handbook:

Sick Days:

- When an employee has accumulated their maximum of sick days, he/she shall be paid \$55.00 per day of all earned sick days beyond their maximum 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).

Overtime Pay:

All employees except those designated as exempt, will be paid at the premium rate of one and one-half times your actual hourly rate for all time worked in excess of 40 hours during one week. Superintendent of Public Works shall be paid at the rate of one and one-half times his/her current hourly rate for all emergency call outs.

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.

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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RESOLUTION NO 2015-125

NON-UNION EMPLOYEE HANDBOOK UPDATES

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to approve the sick day and overtime pay updates to the non-union employee handbook as they read.

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

- Mayor McAvoy mentioned Orleans County Community Action is celebrating 50 years and having a special event if anyone is interested in attending.
- Mayor McAvoy noted Charter Communication and Time Warner Cable are working on a deal finally.

ON MOTION of Trustee Covell, seconded by Trustee Tuk, to adjourn the meeting at 7:49 p.m.

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

Teri Woodworth
Clerk-Treasurer