

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, November 12, 2012 at the Village Hall. Meeting opened at 7:00 p.m.

PRESENT:	Mayor:	Stephen C McAvoy
	Trustees:	James Tuk
		Ellen Tuohey
		James Whipple
		Danny Woodward Jr.
	Clerk-Treasurer	Teri Woodworth
	Supt. of Public Works	Terry M. Woodworth
	Code Enforcement Officer	
	Attorney	David Schubel
	Fire Chief	Jason Gerety - Absent
	Public:	Larry Lonigan and Craig Groves

APPROVAL OF THE MINUTES

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to accept the minutes of the October 8, 2012 meeting.

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

APPROVAL OF THE MINUTES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to accept the minutes of the October 19, 2012 meeting.

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

PRIVILEGE OF THE FLOOR:

- Nothing

USE OF FACILITIES

- Larry Lonigan – Fire Hall for November 24, 2012 – Family dinner party
- Danny Woodward Sr. – Fire Hall for November 17, 2012 – 59th Anniversary Party

RESOLUTION NO 2012-84

USE OF FACILITIES

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey to approve the use of facilities for the Larry Lonigan and Danny Woodward Sr. given there are not conflicts.

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

Report – Fire Chief Gerety

- Nothing - Absent

Report – Code Enforcement

- Nothing

Report – Attorney – Schubel

- Nothing

Report – Clerk-Treasurer Woodworth

- New Email Addresses for Board Members
- Unpaid property taxes will be returned to Orleans County on November 15, 2012.
- Oath of Office needs to be caught up, Clerk-Treasurer will send out an email letting everyone know what is needed.
- Time Warner Cable Sports Pass – Will be increasing to \$8.00 in December, this will affect the LFD's bill.
- NFAVO – Dinner Meeting on November 14, 2012. They will be deciding the outcome of the organization.
- Training
 - Fall 2012 Regional Local Government Workshop – Trustee Tuk, Trustee Tuohey, Mayor McAvoy, Carla Woodworth and Patrick McKenna will be attending
 - NYSUCF – Tips for the Trade regarding Trees. Board decided was too far away to have anyone attend.
- Bookkeeper Update – Walt Gaesser is trying to straighten out the prior bookkeepers GL. He's basically redoing the prior bookkeepers work. We don't have a date as to when the balances will be entered into KVS or when the AUD will be done. The prior year's AUD is incorrect therefore it will have to be fixed in this year's AUD.

Village Police Officer – Officer Larkin will be retiring around the first of the year. We have brought Officer Riemer back who will be replacing Officer Larkin. Officer Riemer worked on Halloween with Officer Larkin to get the swing of things. Officer Larkin will be cutting back on his hours over the next couple of months and Officer Riemer will be filling in when needed. Board discussed getting a computer in the patrol car. Trustee

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Whipple will inquire with the Orleans County Sheriff Hess if the Village is able to obtain a system from the County.

- 117 Maple Avenue – Orleans County has started the process to take over title on 117 Maple Ave. Clerk-Treasurer Woodworth spoke with Orleans County Treasurer regarding the Village obtaining the property in the end. The County is open to working with the Village.
- New York State Comptroller's Office – The auditor has completed her field work here at the Village of Lyndonville. Clerk-Treasurer Woodworth provided a copy of contact information for the State Comptroller's Office she received during training.
- Complaint – 181 Maple Avenue – Sidewalks are unsafe and need replacing, people have fallen. Trustee Whipple inquired who's responsible for the sidewalks. Attorney Schubel advised it the Village's responsibility. Mayor McAvoy would like Superintendent Woodworth to speak to the Perry's and let them know we are taking action. Superintendent Woodworth advised that the sidewalks have been surveyed and probably need to be replaced from Willowbrook to the village limits. He also noted that the County broke several sidewalks at 117 Maple Avenue during the demolition.
- Voucher's – # 212 – # 288 to be paid

General	\$ 45,898.43
Water	\$ 19,523.88
Sewer	\$ 2,361.44
Capital	<u>\$378,074.85</u>
Grand Total	\$445,858.60

RESOLUTION NO 2012-85
VOUCHER'S TO BE PAID

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to have Clerk-Treasurer Woodworth to pay Voucher's 212- 288.

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

Report – Superintendent Woodworth

- Sewer Plant Update:
 - The roof is done
 - The curbing was put on today they will be coming back to cut two 24" holes for the HVAC (Danforth).
 - They wanted to start on the degritter and sludge pump today; they didn't know the Village was off today so they will be back on Thursday.
 - Screen compacter is working great.
- Water Treatment Plant Update:
 - New PLC – still needs auto valves wired. Suburban Electric will do the wiring. The Health Department will be coming in the next couple of weeks for an inspection. They wrote us up for this year, they will be happy to see they are installed with the understanding that we will have them wired in soon.
- Storm Sewer Complaint on Maple Avenue – Dan Fuller was able to open the line, and then the DPW used a fire truck to flush the line. The homeowner is saying it's still plugged up. The Superintendent Woodworth has the DPW staff checking the storm sewer daily and has no reports of the storm sewer being plugged or full.
- Railroad Timbers – The Village as 73 15' long railroad timbers to get rid of. The Board decided to declare as surplus and to place an ad in the paper to accept the highest offer with the winner to provide their own equipment and do the removal.

RESOLUTION NO 2012-86
SURPLUS RAILROAD TIMBERS

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey to declare the railroad timbers as surplus, place an ad in the newspaper on November 15, 2012 to accept the highest offer by November 20, 2012 with the winner taking full responsibility of loading and removal of the timbers and to have them removed by November 30, 2012.

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

- Valve Replacement – Only two valves left to replace in Panek's field and one at the tower that will be done in the spring. 53 valves were replaced; the Village did assist the Town of Yates with some of theirs as well.
- Utility pole to hold the antenna for radio to run pump station is set on Miller Drive.
- Boiler at Sewer Plant - Superintendent Woodworth called JP at Chatfield Engineers regarding replacing the boiler. JP stated it would be replaced in the spring. Superintendent Woodworth has auxiliary heat for now but the boiler is leaking and needs to be replaced sooner than later.

Report – Trustee Tuohey

- Will be working on the Village's website

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Report – Trustee Tuk

- Dollars & Cents Training – Trustee Tuk reported that there are a lot of grants out there for projects. Rural Development has funding for everything. The information binder is in Clerk-Treasurer Woodworth's office.
- Chatfield Engineers – Clerk-Treasurer Woodworth forwarded the AUD's from the State Comptroller over to Paul Chatfield so that water assessments can be redone to come up with a proper rate for the Town of Yates.
- Sidewalks are done the total cost was \$18,065.00. Trustee Tuk would like to see a plan to repair sidewalks every year. Superintendent Woodworth added that he would like to see all repaired and then to add additional sidewalks around the Village.
- Trustee Tuk met Gail Fischer at the Dollars & Cents Training she is from the State of Archives. She is willing to come to Lyndonville to work with Clerk-Treasurer Woodworth to get our records up-to-date. There are grants for records management. Also she might have some insight on Carbonite/Cloud back up.

Report – Trustee Whipple

- Nothing

Report – Trustee Woodward Jr.

- Nothing

Report – Mayor McAvoy

- Police Report for October

OLD BUSINESS:

- Smoke Free Now – Mayor McAvoy would like to make Vet's Park Smoke-Free. Trustee Whipple feels the Village should make all parks smoke free if we are going to do one, Trustee Woodward Jr. agrees. Trustee Tuk stated yes all parks if we are going to do one.

RESOLUTION NO 2012-87

SMOKE-FREE PARKS

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr. to make all Village Parks (Veteran's Park, Patterson Park, Fisher Man's Park and the Lake Avenue Ball Fields) smoke free.

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

- 203 South Main Street – Mayor McAvoy stated that Mr. Groves was requesting that his late fee's be waived as Mr. Groves stated he's never received his water/sewer bill since he's lived there starting in October of 2011. Mayor McAvoy did note that Mr. Groves has never paid his water/sewer bill on time since he's taken ownership of the property. Mr. Groves added he hasn't paid on time because he only receives the final shut off notice. Trustee Whipple asked Clerk-Treasurer Woodworth if she could ensure/double check for Mr. Groves water/sewer bill going forward. Mayor McAvoy stated that Clerk-Treasurer Woodworth had done that on the last 2 mailing to Mr. Groves, in fact Mayor McAvoy personally mailed the last mailing to Mr. Groves. Mr. Groves state he did receive the mailing. Mayor McAvoy stated the penalties were around \$35.00, Mr. Groves stated it was like \$40.00. Clerk-Treasurer Woodworth clarified it was \$31.73 in late fee's.

RESOLUTION NO 2012-88

ONE TIME FORGIVINESS

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey to waive the sum of \$31.73 in penalties on Mr. Groves water/sewer bill for 203 South Main. Street.

Vote: 4 Ayes (McAvoy, Tuohey, Whipple, Woodward Jr.); 1 Nays (Tuk); 0 Abstain

NEW BUSINESS:

- Business Licenses – Mayor McAvoy informed the Board that the Village has been charging businesses \$25.00 for a Business License annually. However not all businesses in the Village were being charged. Mayor McAvoy feels we should do away with fee.

RESOLUTION NO 2012-89

BUSINESS LICENSES

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr. to abolish the requirement for a business license with the Village as well as the \$25.00 fee effective January 1, 2013.

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

- Resolutions needed:
 - Bank of Castile – Closing Payroll & Disbursement Accounts
 - Change the Village Bank Resolution to M&T Bank only (removing Bank of Castile and First Niagara)

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- M&T – Close the Trust & Agency Account – Moving all funds into the Water Fund for one year then they become true water funds at that time if unclaimed.
- Lien Against 117 Maple Avenue for demolition, testing and maintenance
- Full day holiday for non-union employee's – Christmas Eve and New Years Eve

RESOLUTION NO 2012-90

BANK RESOLUTIONS

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey to do the following: Close the Payroll and Disbursement accounts with Bank of Castile and deposit into M&T's appropriate accounts, Change the Village bank resolution to M&T Bank as the Village's bank, to close the Trust & Agency account and deposit the funds into the Water Fund for one year which then they will be come true water funds unless claimed by the giver.

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

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- The Board decided not to put a lean against 117 Maple Avenue since the Orleans County is willing to work with the Village to see that the Village is able to redeem the property back.

RESOLUTION NO 2012-91

FULL DAY HOLIDAYS FOR NON-UNION EMPLOYEE'S

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to make Christmas Eve and New Years Eve full day holidays and eliminate the floating holiday.

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

- Issuance of BAN Resolution needed by IRS standards.

RESOLUTION NO 2012-92

POST-ISSUANCE COMPLIANCE PROCEDURE FOR BAN

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to accept the following resolution as written:

WHEREAS, the Internal Revenue Service has issued new regulations requiring issuers of tax-exempt obligations to certify on Form 8038-G that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Village is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Village to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT RESOLVED, that Village hereby adopts the interim post-issuance compliance procedures attached hereto as "Schedule A" and resolves to be governed thereby; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its adoption.

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey to adjourn the meeting at 8:30 p.m.

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

Teri Woodworth
Clerk-Treasurer