

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, November 8, 2010 at the Village Hall. Meeting opened at 7:00 p.m.

|                          |           |                    |
|--------------------------|-----------|--------------------|
| PRESENT:                 | MAYOR     | Marc F. Scarr      |
|                          | TRUSTEES: | Wirt E. Bane       |
|                          |           | Steve McAvoy       |
|                          |           | William Scribner   |
|                          |           | Jim Whipple        |
| Attorney for the Village |           | David C. Schubel   |
| Code Enforcement Officer |           | Dan Wolfe          |
| Supt. of Public Works    |           | Terry M. Woodworth |
| Fire Chief               |           | Danny Woodward     |

Other people present – Carla Woodworth, Jim Wells, & Todd Barker

**RESOLUTION NO. 2010-68**  
**APPROVAL OF THE MINUTES**

On motion of Steve McAvoy seconded by Wirt Bane be it resolved that the minutes of the October 12, meeting are HEREBY approved. Voted and carried.

**REPORTS**

**Clerk-Treasurer**

- Will be sending delinquent taxes to the County of Orleans later this month.
- Copy of audit report was given to all board members

**Terry M. Woodworth**

- Paving of Housel Avenue was completed.
- Repairs to the West Avenue Water Tower were completed over the weekend.
- Last day for leaf pick up will be Monday, November 22, 2010
- The Health Department conducted their annual inspection today.

**Fire Co.**

- 221 calls for the year
- Three (3) lengths of hose failed during the annual hose inspection. The hose has since been replaced.
- Change in the Fire Company By-Laws now has elections to be held during the month of December, with new officers taking office in January. Danny Woodward also reported that he will not be running for chief again this year.

**David Schubel** - nothing

**Dan Wolfe**

- Has sent out letters on zoning violations within the Village
- Reported to the board that it was nice to have Ellen Tuohey as a member of the Zoning Board of appeals.

**Jim Whipple** - nothing

**Wirt E. Bane** – nothing

**Steve McAvoy** – nothing

**Bill Scribner** – nothing

**Marc F. Scarr** – nothing

**RESOLUTION NO. 2010-69**

On motion of Jim Whipple, seconded by Bill Scribner the following resolution was voted and carried.

BE IT RESOLVED that the following offices and the terms of office as listed are to be filled at the General Election of the Village of Lyndonville to be held on Tuesday, March 15, 2011.

|         |             |
|---------|-------------|
| Trustee | 4 year Term |
| Trustee | 4 year Term |

BE IT RESOLVED that this resolution be published in the official newspaper within ten (10) days of the adoption hereof. This Resolution was adopted by the Village Board at the Regular Meeting held on November 8, 2010.

**RESOLUTION NO. 2010-70**

**APPOINTMENT TO COUNTY PLANNING BOARD**

On motion of Jim Whipple, seconded by Bill Scribner, the appointment of Steve McAvoy as representative for the Village of Lyndonville to the Orleans County Planning Board is HEREBY approved voted and carried.

**RESOLUTION NO. 2010-71**

**ADVERTISMENT FOR BIDS FOR THE SEWER TREATMENT PROJECT**

On motion of Jim Whipple, seconded by Wirt Bane it is HEREBY approved to advertise for bids once the approval from USDA Rural Development has been received in relation to the Sewer Treatment up-grade project. Voted and carried.

**RESOLUTION NO. 2010-72**

**USE OF FACILITIES**

A motion by Bill Scribner, seconded by Wirt Bane was made approving the use for the Fire Hall by Jim Wells on Sunday, November 21, 2010. Voted and Carried.

**PUBLIC HEARING – 7:15 P.M.**

On motion of Steve McAvoy, seconded by Wirt Bane, the regular meeting was adjourned for the public hearing on Local Law No. 3 for the year 2010.

**RESOLUTION NO. 2010-73**

**LOCAL LAW NO. 3 FOR THE YEAR 2010, A Local Law to Establish the Residency Requirements for the Village Clerk-Treasurer, Deputy Clerk-Treasurer, and Superintendent of Public Works**

On motion of Bill Scribner, seconded by Wirt Bane Local Law No. 3 for the Year 2010 was HEREBY voted and carried. Roll call vote

|                   |     |
|-------------------|-----|
| William Scribner, | Aye |
| Wirt Bane         | Aye |
| Steve McAvoy      | Aye |
| James Whipple     | Aye |

On motion of Steve McAvoy, seconded by Wirt Bane the public hearing was closed at 7:28.

On motion of Wirt Bane, seconded by Steve McAvoy the regular Village Board meeting was reopened.

**EXECUTIVE SECTION**

On motion of Steve McAvoy, seconded by Bill Scribner an executive session was called at 7:30 p.m. to discuss the proposed salary of a new employee.

On motion of Jim Whipple, seconded by Steve McAvoy the executive session was closed with no action taken, and no discussions made. The regular Village Board meeting re-adjourned at 7:45 p.m.

**RESOLUTION NO. 2010-74**  
**AMENDMENT TO 2010-2011 FISCAL BUDGET**

On motion of Jim Whipple, seconded by Steve McAvoy, the clerk-treasurer is HEREBY authorized to amend the 2010-2011 General Fund budget as follows:

|                          |         |             |
|--------------------------|---------|-------------|
| Increase state aid chips | A3501   | \$32100.00  |
| To: Streets Cont.        | A5110.4 | \$32,100.00 |
| From Contingent          | A1990.4 | \$ 5,700.00 |
| To: Storm Sewer P/S      | A8140.1 | 600.00      |
| To: Storm Sewer Cont.    | A8140.4 | 400.00      |
| To: Retirement           | A9010.8 | 4,000.00    |
| To: Public Sty Comm.     | A3120.4 | 700.00      |

**RESOLUTION NO. 2010-75**  
**PAYMENT OF THE MONTHLY BILLS**

On motion of Steve McAvoy, seconded by Wirt Bane it is HEREBY authorized for the Clerk-treasurer to pay the monthly bills as follows. Voted and carried.

Voucher numbers between 1015 and 1023 for October, 2010

|              |           |
|--------------|-----------|
| General Fund | 10,567.57 |
| Water Fund   | 8,724.25  |
| Sewer Fund   | 4,482.20  |

Voucher numbers between 1024 and 1084 for November, 2010

|               |           |
|---------------|-----------|
| General Fund  | 83,593.35 |
| Water Fund    | 13,538.60 |
| Sewer Fund    | 3,640.81  |
| Capital Sewer | 9,271.50  |

On the motion of Jim Whipple, seconded by Steve McAvoy, the meeting adjourned at 7:50 p.m.

Debra D. Miller  
Clerk-Treasurer

**Local Law No. 3 of the year 2010**

**A Local Law to Establish the Residency Requirements for the Village Clerk-Treasurer, Deputy Clerk-Treasurer, and Superintendent of Public Works**

**SECTION 1. TITLE:**

A Local Law to Establish the Residency Requirements for the Village Clerk-Treasurer, Deputy Clerk-Treasurer, and Superintendent of Public Works.

**SECTION 2. AUTHORITY:**

This Local Law is adopted pursuant to Village Law, Section 3-300 (2.) and Municipal Home Rule Law, Section 10 (1) (ii) (a) (1) that grants to local governments the authority to enact Local Laws regarding the qualifications of local officers.

**SECTION 3. SUPPRESSION:**

This Local Law shall supersede Village Law Section 3-300 (2.) in its application to the Offices of Clerk-Treasurer, Deputy Clerk-Treasurer, and Superintendent of Public Works for the Village of Lyndonville.

**SECTION 4. RESIDENCY REQUIREMENTS FOR VILLAGE OF LYNDONVILLE CLERK-TREASURER, DEPUTY CLERK-TREASURER, AND SUPERINTENDENT OF PUBLIC WORKS:**

The persons holding the offices of Clerk-Treasurer, Deputy Clerk-Treasurer and Superintendent of Public Works for the Village of Lyndonville need not be a resident nor an elector of the Village of Lyndonville, provided, however, that such persons shall reside in the county (Orleans) in which such village is located.

**SECTION 5. INCONSISTENCY:**

All other local laws and ordinances in the Village of Lyndonville that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating or governing the subject matter covered by this local law.

**SECTION 6. SAVINGS CLAUSE:**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, or paragraph thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 7. EFFECTIVE DATE:**

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance.

**Special Meeting**

Special Meeting of the Village Board was held on Thursday, November 18, 2010 at the Village Hall, 2 South Main Street, Lyndonville, New York. The meeting was held at 6:00 p.m.

Present:

Mayor            Marc F. Scarr  
Trustee:        Wirt Bane  
                     Steve McAvoy  
                     William Scribner  
                     James R. Whipple

Other people present: Carla Woodworth, Terri M. Woodworth, Janet Johnson, and Laura Belson

Mayor Marc Scarr called the meeting to appoint Lacy Houseman as Deputy Clerk-Treasurer for the Village of Lyndonville.

**RESOLUTION NO. 2010-76**  
**APPOINTMENT OF LACY HOUSEMAN**

On motion of William Scribner, seconded by Steve McAvoy the appointment of Lacy Houseman as Deputy Clerk-Treasurer for the Village of Lyndonville is HEREBY approved. This appointment is contingent on a six (6) month probation period. Voted and carried.

**RESOLUTION NO. 2010-77**  
**CLERK – PART- TIME**

On motion of Jim Whipple, seconded by Wirt Bane the position of Clerk-part-time is HEREBY to be filled by Elena Ames. Voted and carried, William Scribner abstained from this vote.

On motion of Jim Whipple, seconded by Bill Scribner the meeting adjourned at 6:13 p.m.

Debra D. Miller  
Clerk-Treasurer