

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, December 5, 2022 at the Village Hall. The meeting opened at 6:00 PM

PRESENT: Mayor: John Belson
Deputy Mayor: Danny Woodward Jr.
Trustees: Anne Marie Holland
Kimberly Kenyon
Terry Stinson

Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Jason Raduns - Absent
Attorney Katherine Bogan
Fire Chief Michael Heideman
Public – Present: John Flanagan, James Hydock, Carla Woodworth, Justin Edwards

APPROVAL OF THE MINUTES

ON MOTION of Trustee Woodward Jr. seconded by Trustee Holland, to accept the minutes of the November 7, 2022 regular meeting.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR

- Waste Water Treatment Plant Disinfection Project – Senior Project Manager John Paul Schepp, P.E from MRB Group presented the Board with an update on the Waste Water Treatment Plant Disinfection mandates. Senior Project Manager Schepp noted the project budget back in 2021 was \$725,000.00 and the Village was awarded a WQIP grant of \$483,000.00. Senior Project Manager Schepp noted the General Construction bids were received from STC Construction, Blue Heron Construction & CP Ware Inc.. Senior Project Manager Schepp noted STC Construction was lowest bidder \$832,700.00, with 2 deduct items totaling \$30,000.00. Senior Project Manager Schepp recommended awarding the bid from STC Construction for the General Construction. Senior Project Manager Schepp noted the Electrical Construction bids were received from CIR Electrical Construction, Concord Electrical Corp, Frey Electric, and O’Connell Electric. Project Manager Schepp noted CIR Electrical was the lowest bidder \$115,300.00. Senior Project Manager Schepp recommended awarding the bid from CIR Electrical Construction for the Electrical Construction. Senior Project Manager Schepp noted we are over buget on this project, and there will be a conference call tomorrow at 10:00am to work with the Village’s financial advisors on funding. Senior Project Manager Schepp noted this project is mandated to be online by May 2023. Senior Project Manager Schepp noted the State may give a one year extension. Clerk-Treasurer Woodworth noted the Village has designated \$80,102.00 of ARPA funds to the project.

RESOLUTION NO 2022-118

WASTE WATER TREATMENT PLANT PROJECT – CONTRACT # 1 GENERAL CONSTRUCTION - ACCEPTANCE OF BID – STC CONSTRUTION

ON MOTION of Trustee Kenyon, seconded by Trustee Stinson, to accept the bid from STC Construction for Contract #1 for General Construction for the Waste Water Treatment Plant Disinfection Project contingent on obtaining funding.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

RESOLUTION NO 2022-119

WASTE WATER TREATMENT PLANT PROJECT – CONTRACT # 2 ELECTRICAL CONSTRUCTION - ACCEPTANCE OF BID – CIR ELECTRICAL CONSTRUCTION

ON MOTION of Trustee Stinson, seconded by Trustee Kenyon, to accept the bid from CIR Electrical Construction for Contract #2 for Electrical Construction for the Waste Water Treatment Plant Disinfection Project contingent on obtaining funding.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

USE OF FACILITIES

- Nothing

Report – Code Enforcement Raduns

- Nothing - Absent

Report – Police Dept

- Nothing

Report – Fire Chief Heideman

- Report – 203 Calls for 2022; 11 Calls for November (1 – EMS Village, 5 – EMS Town, 1 – Wire Town, 1 – Grass fire Town, 1 – Stand by MFD, 1 – MVA Town, 1 – Tree Town)
- Chief Heideman thanked the Village Board for everything over the years.

Report – Attorney Bogan

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- Attorney Bogan noted she's working on the deed for the property for the Lyndonville Joint Fire District that will happen after January 1, 2022. Attorney Bogan noted she's waiting on the survey. Superintendent Woodworth noted he will contact the survey company to see if they have everything they need.

Report – Clerk-Treasurer Woodworth

- Clerk-Treasurer Woodworth noted she received an update from C&H PC that the Village website is almost done and will be able to preview the new website soon.
- Clerk-Treasurer Woodworth provided the Board with the budget to actual report for November 2022.
- Vouchers – Abstract A6-1 – A7 #16685 & #16744 to be paid for 2022-2023

General	\$ 119,677.15
Water	\$ 11,603.44
Sewer	\$ 7,918.11
Grand Total	\$ 139,198.70

RESOLUTION NO 2022-120

VOUCHERS TO BE PAID FOR ABSTRACTS A6-1 – A7

ON MOTION of Trustee Holland, seconded by Trustee Kenyon, to have Clerk-Treasurer Woodworth pay Abstracts A6-1 – A7 #16685 – #16744.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

Report – Superintendent Woodworth

- Superintendent Woodworth noted the new doors for the Village Hall should be in in about 2-3 weeks.
- Superintendent Woodworth noted the new mixer for the Water Tower should be in on December 28, 2022, and will be installed after the first of the year.
- Superintendent Woodworth noted the new chlorine scales are in.
- Superintendent Woodworth asked the Board for approval to declare 3 old filing cabinets as surplus and dispose of. Superintendent Woodworth noted the file cabinets were listed twice on govdeals.com and didn't sell.

RESOLUTION NO 2022-121

SURPLUS – OLD FILE CABINETS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Kenyon, to declare the 3 old file cabinets as surplus and to authorize Superintendent Woodworth to dispose of as scrap metal.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

- Superintendent Woodworth noted the Department of Public works is done picking up leaves.

Report – Trustee Kenyon

- Trustee Kenyon noted Christmas in Lyndonville was a success despite the weather and thanked everyone who makes the event happen. Christmas in Lyndonville Chair Carla Woodworth thanked the Lyndonville Fire Department, Lyndonville Lions Club and all vendors for making the event happen.
- Trustee Kenyon noted she had some questions regarding Code Enforcement. Mayor Belson noted that was under new business.

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Stinson

- Nothing

Report – Trustee Holland

- Nothing

Report – Mayor Belson

- Mayor Belson noted Christmas in Lyndonville was good given the weather.

OLD BUSINESS:

- Part-Time Police Officer – Nothing at this time.

NEW BUSINESS:

- County Planning Board Representatives – Clerk-Treasurer Woodworth noted Zoning Board member George Avery was willing to fill the full representative position if the Board had no one else.

RESOLUTION NO 2022-122

COUNTY PLANNING BOARD REPRESENTATIVES – GEORGE AVERY

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to appoint George Avery as the County Planning Board full representative.

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Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

- Lyndonville Joint Fire District Resolution – Equipment/Building/Land – Mayor Belson noted this will be done in January 2023.
- Lyndonville Joint Fire District Snow Plowing Shared Services – Mayor Belson presented the Board with a draft snow plowing shared services agreement.

AGREEMENT

THIS AGREEMENT, made this **5th** day of **December 2022**, by and between the **Lyndonville Joint Fire District**, a public corporation organized and existing under Town Law of the State of New York, with offices at **148 North Main Street, Lyndonville, New York**, (hereinafter referred to as "**LJFD**") and **VILLAGE OF LYNDONVILLE**, a municipal corporation organized and existing under the Village Law of the State of New York with offices at 2 South Main Street, Lyndonville, New York, (hereinafter referred to as "**Village**").

WITNESSETH

WHEREAS, the LJFD is in need of snow removal services during the winter months for removal of snow from the LJFD parking lot and sidewalks serving the LJFD, and

WHEREAS, the LJFD is in need of lawn mowing services to mow the lawns during the warm weather months located on the LJFD property, and

WHEREAS, the Village is in need of apparatus and equipment to backwash the raw water intake, clean sewer pumps stations, clean off the Dam and any other tasks pertinent to the operations of the Department of Public Works

WHEREAS, the Village is willing to provide snow removal services during the winter months and lawn mowing services during the warm weather months upon certain terms and conditions, and

WHEREAS, the parties hereto determine it to be in the public interest to reciprocally provide the aforementioned services,

NOW, THEREFORE, in consideration of the premises, the parties agree as follows:

- (1) The Village shall remove snow from the LJFD's parking lot and sidewalks during the winter months and shall mow the lawns located on the LJFD's property during the warm weather months.
- (2) The LJFD will be responsible for purchasing/providing ice melt for the Village employees to apply to the sidewalks as needed.
- (3) The snow removal services and lawn mowing services shall be performed by the Village with use of the Village employees and Village equipment. Such employees shall be considered to be employees of the Village during the course of performing such services and shall be covered under the Workers Compensation Law policy of the Village. Such snow removal shall be done in a fashion substantially similar to that rendered to Village owned parking lots and sidewalks. The Village does not assume the liability for the sidewalks and parking lot, and the LJFD shall be responsible for obtaining its own general liability insurance.
- (4) In consideration of the services being rendered by the Village as described hereinabove, the LJFD shall provide to the Village apparatus and equipment to backwash the raw water intake, clean sewer pumps stations, clean off the Dam and any other tasks pertinent to the operations of the Department of Public Works at no cost or expense to the Village
- (5) In addition to the foregoing, the Village waives any water and sewer charges to the LJFD during the term of this Agreement.
- (6) The term of this Agreement shall commence upon approval of this agreement by the LJFD and the Village. This Agreement shall automatically renew for additional one (1) year terms until terminated by either party. Either party may terminate this Agreement by thirty (30) days written notice.

RESOLUTION NO 2022-123

SNOWPLOWING SHARED SERVICES AGREEMENT – LYNDONVILLE JOINT FIRE DISTRICT

ON MOTION of Trustee Woodward Jr., seconded by Trustee Kenyon, to accepted the snowplowing shared services agreement with the Lyndonville Joint Fire District and to authorize Mayor Belson to executed the agreement.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

Superintendent Woodworth noted #5 in the snowplowing shared services agreement wasn't discussed at the workshop and that that is how the accounts are currently with the Fire Department and asked that continue. Mayor Belson noted it was already discussed and passed.

- Lyndonville Joint Fire District Accounting Software Shared Services – Mayor Belson presented the Board with a draft accounting software shared services agreement.

THIS AGREEMENT, made this **5th** day of **December 2022**, by and between the **Lyndonville Joint Fire District**, a public corporation organized and existing under Town Law of the State of New York, with offices at **148 North Main Street, Lyndonville, New York**, (hereinafter referred to as "**LJFD**") and **VILLAGE OF LYNDONVILLE**, a municipal corporation organized and existing under the Village Law of the State of New York with offices at 2 South Main Street, Lyndonville, New York, (hereinafter referred to as "**Village**").

WITNESSETH

WHEREAS, the LJFD is in need of accounting software (Logics) and

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WHEREAS, the Village is willing to provide/share accounting software (Logics) upon certain terms and conditions, and

WHEREAS, the parties hereto determine it to be in the public interest to reciprocally provide the aforementioned services,

NOW, THEREFORE, in consideration of the premises, the parties agree as follows:

- (1) The Village shall provide a separate accounting module within Logics for LJFD.
- (2) The Village shall control the user access in Logics for LJFD.
- (3) In consideration of the services being rendered by the Village as described hereinabove, the LJFD shall pay all setup/Professional Services – Implementation, Software Services – Subscriptions and any additional charges associated with have a second module. This agreement will have no cost or expense to the Village for the Logics accounting software use therefore.
- (4) The term of this Agreement shall commence upon approval of this agreement by the LJFD and the Village. This Agreement shall automatically renew for additional one (1) year terms until terminated by either party. Either party may terminate this Agreement by sixty (60) days written notice.

RESOLUTION NO 2022-124

ACCOUNTING SOFTWARE SHARED SERVICES AGREEMENT – LYNDONVILLE JOINT FIRE DISTRICT

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to accepted the accounting software shared services agreement with the Lyndonville Joint Fire District and to authorize Mayor Belson to executed the agreement, contingent on the Village of Lyndonville continuing to use Logics.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

- Code Enforcement – Trustee Kenyon inquired what’s going to be done to have more accountability for Code Enforcement working here at the Village, will there be separate expectation for working at the Village. Mayor Belson noted he will work next door at Yates as they have more updated equipment, a nicer office and a more friendlier atmosphere. Attorney Bogan noted an agreement would be needed between the Village and the Town of Yates and recommended the Village pay the Code Enforcement Officer directly for hours worked and mileage from the Village Hall for Village work only. Mayor Belson asked the Board to hire David Reese. Attorney Bogan noted an agreement would need to draft on what would be shared with the Town of Yates.

RESOLUTION NO 2022-125

CODE ENFORCEMENT HIRE – DAVID REESE

ON MOTION of Trustee Holland, seconded by Trustee Stinson, to hire David Reese as the Village of Lyndonville Code Enforcement Officer pending a shared services agreement with the Town of Yates to be worked out.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

- Village Resident Justin Edwards asked the Board to consider putting no engine break signs at all Village limits. Mr. Edwards expressed his concerns regarding tractor trailers and engine breaks on West Avenue. Trustee Stinson inquired if other municipalities have regulations on engine breaks. The Board asked that the Village Planning Board look into regulations from other municipalities and provide the Board with a recommendation. Mr. Edwards asked that new Village Police Officer be able to enforce the regulations. Mr. Edwards expressed his concerns regarding feral cats and that something needs to be done. Mayor Belson noted nothing can be done and recommended contacting the local DEC officer. Trustee Stinson inquired what the local DEC officer would be able to do about the cats. Mayor Belson noted he couldn’t say.
- Village Resident Carla Woodworth asked if the new Code Enforcement Officer will have actually have office hours in the Village Hall now, as she’s heard from several residents that needed to meet with Code Enforcement but there currently are no hours. Mayor Belson noted no he’ll be next door as we can’t keep a Code Enforcement Officer here because of people in this office. Mrs. Woodworth inquired because of who. Mayor Belson noted he’ll just leave it at that. Clerk-Treasurer Woodworth noted Mayor Belson is implying her. Mayor Belson noted no the two of you. Mayor Belson then went on to explain Orleans County is struggling with Code Enforcement Officers. Trustee Kenyon inquired if the details of work location can be defined in the agreement. Attorney Bogan noted they can and should be, yes.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to adjourn the meeting at 6:44PM.

Vote: 5 Ayes (Belson, Holland, Kenyon, Stinson, Woodward Jr.); 0 Nays; 0 Abstain

Teri M. Woodworth
Clerk-Treasurer