

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, February 11, 2013 at the Village Hall. Meeting opened at 7:01 p.m.

PRESENT: Mayor: Stephen C. McAvoy
Trustees: James Tuk
Ellen Tuohey - Absent
James Whipple - Absent
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Douglas Rue
Attorney David Schubel
Fire Chief Jason Gerety
Public: Michael Sapecky, Wes Bradley, Lauren Sullivan,
Howard Balaban

APPROVAL OF THE MINUTES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to accept the minutes of the January 14, 2013 meeting.

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

PRIVILEGE OF THE FLOOR:

- Michael Sapecky inquired if anything is being done about the building behind the Pennysaver Markets. Mayor McAvoy stated he is addressing it and hopes to have it resolved soon. Mr. Sapecky questioned why the DPW was plowing the Pennysaver Markets parking lot. Superintendent Woodworth explained the DPW was removing snow from sidewalks and depositing it on the Pennysaver property and that the Village right of way is actually a foot into the south side of store.
- Wes Bradley presented the Board with the Village of Oakfield's "Christmas in Oakfield" tree decorating program. He felt it would be a great idea for the Village of Lyndonville to consider it in Veterans Park. Mr. Bradley noted that the Lyndonville Lions Club is looking into updating the Christmas decorations on Main Street.

USE OF FACILITIES

- Harold Scribner – Use of the Fire Hall on March 3, 2013 for a birthday party from 2:00pm to 5:00pm.

RESOLUTION NO 2013-7

USE OF FACILITIES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to approve Harold Scribner use of the Fire Hall on March 3, 2013 from 2:00pm to 5:00pm for a birthday party.

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

Report – Fire Chief Gerety

- YTD calls – 19, MTD calls – 19 (8 – EMS in Town, 3 – EMS in Village, 1 – Assist Resident, 1 – Automatic Alarm, 2 – CO Detector, 1 – Hazardous Condition, 1 – Pumping Detail and 2 – M/A to Carlton)

Report – Code Enforcement – Rue

- Has all paperwork from prior Code Enforcement cleaned up and organized.
- Emergency Call Out for 15 Maple Avenue – Code Enforcement Rue did condemn the residence due to several code violations. Mayor McAvoy asked Attorney Schubel if the Village could charge the cost for payroll and mileage back to the resident who requested the emergency call out. The resident did agree to the pay for the necessary costs. Attorney Schubel advised it was ok to charge back to the resident.

Report – Attorney – Schubel

- Nothing

Report – Clerk-Treasurer Woodworth

- The NYS 45 for the 4th quarter of 2011 was filed incorrectly by the prior bookkeeper. When the 4th quarter NYS 45 is filed the employee's annual wages and withholdings need to be completed but the prior bookkeeper put in all zeros. Therefore NYS is fining the Village \$50.00 per employee totally \$750.00. The notice was received on January 18, 2013 and Clerk-Treasurer Woodworth filed the amended return the same day. Clerk-Treasurer Woodworth will be work with the NYS to have the \$750.00 fine waived. Clerk-Treasurer Woodworth stated this is the last quarter that could be amended from the prior bookkeeper.
- USDA debited the Village's account for several bonds twice in error. The total over debited is \$26,206.00 and it will be returned back to the Village this week.
- Vouchers – # 423 – # 476 to be paid

General	\$ 12,798.33
Water	\$ 5,027.36
Sewer	\$ 5,772.25
Capital	<u>\$124,452.13</u>
Grand Total	\$148,050.07

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, February 11, 2013 at the Village Hall. Meeting opened at 7:01 p.m.

RESOLUTION NO 2013-8
VOUCHERS TO BE PAID

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth to pay Vouchers #423- #476.

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

Report – Superintendent Woodworth

- Waste Water Treatment Plant Update – Everything is still the same. Blue Heron says they are done. A change order is being put in for Blue Heron to install a drain for the screen compactor. Superintendent Woodworth needs to do a punch list for Blue Heron once that is complete then Blue Heron will be 100% done. We are withholding \$58,000.00 until everything is complete. There are a lot of small things to be completed like touch up paint. The boiler was delivered. Danforth has all the fans in. Suburban will be back to wire them in.
- The #1 pump on Lynwood Drive is out of service.
- Superintendent Woodworth is looking into a small generator to operate the heaters in the lift stations during power outages now that they are above ground.
- Survey from the Health Department is back on the Water Treatment Plant. One concern is the Lake level and water coming in at the wet well station. Trustee Tuk asked what's a better course a vault or wet well. Mayor McAvoy inquired about widening the intake lines. Superintendent Woodworth explained the lines would need to go deeper not wider. Trustee Tuk would like to ask Chatfield Engineering PC for some advice on this. Superintendent Woodworth stated that a system evaluation was done several years prior he could review to see if this was addressed. Superintendent Woodworth stated that for an Emergency situation it would be easier for a vault. To enact the Emergency plan a special meter would have to be hooked up on Millers Rd to the Somerset water system with hoses stored at the Town of Yates, then contact Niagara County. Superintendent Woodworth will look into further and respond to the Health Departments Survey.
- Water Main break on Garland Street on February 7, 2013 at 8:30pm. They had to wait two hours for Dig Safely to locate the gas mains. The DPW completed the repair around 4:00am February 9, 2013.
- The DPW used the Kubota tractor rented from Denise Morgan on Friday February 8, 2013.

Report – Trustee Tuk

- Inquired if Clerk-Treasurer Woodworth had contacted the Lyndonville Fire Department to have the Village Board meetings put on the sign. Clerk-Treasurer Woodworth has a call into Larry Lonigan.
- 117 Maple Avenue – Trustee Tuk commented on the Orleans County Treasurer being unaware that the house at 117 Maple Avenue was approved by Chuck Nesbit to be demolished. Tuk also added that the County will be working with Attorney Schubel to deed the property back to the Village of Lyndonville. Several Board members asked Code Enforcement Rue to look into the lot requirements to see if it would allow for building a new house on the lot.
- Water Rate Assessment – Trustee Tuk stated the Village met with the Town of Yates and has worked out a deal and we will be doing up a three year agreement. Attorney Schubel stated that he will need the information to draft up the agreement with the Town and Village.

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Tuohey

- Absent

Report – Trustee Whipple

- Absent

NEW BUSINESS:

- 162 South Main Street – We received a letter from Amy Lewis requesting that her late fee be waived due to an office glitch. Clerk-Treasurer Woodworth & Superintendent Woodworth explained that a final reading was done on July 27, 2012 for the prior property owner. When the September billing was done a minimum billing should have been triggered and wasn't do to the final billing in July. However when the December billing was done the system did figure from July 27, 2012 to December. The customer should be charged for the minimum in September and Clerk-Treasurer Woodworth would have to manually figure the December bill. Mrs. Lewis' letter also stated she didn't receive any bills since she's moved. Clerk-Treasurer Woodworth noted that Mrs. Lewis was receiving the water/sewer bills for her property on West Avenue and those have been paid on time.

RESOLUTION NO 2013-9
TO NOT WAIVE PENALTIES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to have Amy Lewis at 162 South Main Street pay the penalties of \$28.16 in lieu of adding on the September minimum charges.

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

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, February 11, 2013 at the Village Hall. Meeting opened at 7:01 p.m.

OLD BUSINESS:

- ZBA – Rhonda McKinney and Lauren Sullivan would like to be on the Zoning Board of Appeals

RESOLUTION NO 2013-10

ZONING BOARD OF APPEALS MEMEBERS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to appoint Rhonda McKinney and Lauren Sullivan to the Zoning Board of Appeals.

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

Report – Mayor McAvoy

- Executive Session – Mayor McAvoy requested an executive session to discuss a personnel matter.

RESOLUTION NO 2013-11

EXECUTIVE SESSION

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to go into Executive Session to discuss a personnel matter.

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

Mayor McAvoy would like to pay Superintendent Woodworth for overtime for the emergency call out for the water main break at the same overtime rate as the union employees.

RESOLUTION NO 2013-12

WATER MAIN BREAK EMERGENCY CALL OUT OVERTIME PAY FOR SUPERINTENDENT WOODWORTH

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to pay Superintendent Woodworth for overtime for the emergency call out for the water main break at the rate of \$31.80 the same as the union employee's.

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

RESOLUTION NO 2013-13

EXECUTIVE SESSION

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to close the Executive Session regarding a personnel matter.

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

- Support of Senate Bill S2026 – Amend Lien Law - Mayor McAvoy read part of the Senate Bill S2026 and stated that the Orleans County Legislature just voted to support it. Mayor McAvoy asked for the Village Board's support for Senate Bill S2026.

RESOLUTION NO 2013-14

SUPPORT OF SENATE BILL S2026

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to support the Senate Bill S2026-2013 to amend the lien law in relation to filing of false liens against public officials.

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

- 2011 Audit – USDA denied the Village's request to waive the 2011 audit, instead USDA granted the Village an extension until October 2013 to budget for additional funds to have 2011 re-audited to the GASB standards.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to adjourn the meeting at 8:50 p.m.

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

Teri Woodworth
Clerk-Treasurer