

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

PRESENT:	Mayor:	Stephen C. McAvoy
	Trustees:	James Tuk - Excused
		Ellen Tuohey
		James Whipple
		Danny Woodward Jr.
	Clerk-Treasurer	Teri Woodworth
	Supt. of Public Works	Terry M. Woodworth
	Code Enforcement Officer	Douglas Rue - Excused
	Attorney	David Schubel
	Fire Chief	Jason Gerety - Absent
	Public:	Jamie Sapecky, Kevin Johnson, Ben Walker

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., to accept the minutes of the February 6, 2013 meeting and February 11, 2013 meeting.

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

**PRIVILEGE OF THE FLOOR:**

- Jamie Sapecky – Read a letter to the Village Board

Dear Lyndonville Board of Trustees,

We want to bring to your attention a problem. In case you didn't know, the green house/"barn", behind the Pennysaver, needs to come down. We have complained to the previous and current administrations and still nothing has been done except we are told some discussions have taken place and pictures have been taken of it. The latest comment was "to wait a couple of months." Instead, we reached out for help from Mr. Allport. He did some calling around to see how to best address the situation with the "barn." He was told by James Whipple, to tell us to come to the meeting to complain. So here we are.

We are asking you to take real action to get the "barn" taken down. It is a hazard for the neighborhood. We were told that the main beam isn't going to be holding it up much longer. The northeast part of the roof is collapsing. We have heard that parts of the floors are missing. One of the boards is no longer covering a window on the east side of the house/"barn" and there is quite a bit of wildlife activity inside it. And surly one can see, the entry way and wall on the west side/parking lot side is collapsing. To add, the Fire Department no longer uses it as a practice place because of the danger there.

Seeing such a dilapidated building does affect the quality of life. We know you want to attract people to Lyndonville, so get rid of it and show you care for the community and bring back some beauty of this Village. It has not helped the value and process of selling homes in the area either. We are speaking from our own experience.

Furthermore, we were wondering who would be held responsible in the event that the "barn" caused damage and harm to something or someone. Would the Village be partly responsible because it allowed such a building to exist?

And speaking of liabilities for the Village, the sidewalk in front of 21 Eagle Street is a hazard too. We have seen numerous people of various ages trip on it. We have seen Village officials look at it but nothing has been done. What is it going to take to fix that? Is an elderly resident tripping and breaking her hip going to get it fixed?

We don't know why the Village would classify a structure that was previously a home a "barn." And we don't understand why the Village has not fixed the obvious hazard in a sidewalk. Furthermore, it makes us wonder if the "barn" would it still be standing if it was near one of your homes.

Even though this will be our last complaint of the "barn," we hope you will really do something to remove it and fix the sidewalk already for consideration of the residents of the Village and visitors. And PLEASE, if the owner of the Pennysaver needs assistance, help her. She has had a business here for 30+ years and paid taxes.

[In case you are wondering why this is our last complaint – we will be moving out of the county next month – Thanks to God.]

Sincerely,

Jamie & Michael Sapecky  
22 Eagle Street

- Mayor McAvoy stated that house on Eagle Street was turned into a "barn" about 16 years ago. He also stated as far as helping the owner of the Pennysaver, if we helped her we would have to help everyone and we just can't do that. Mrs. Sapecky stated Mr. Allport says there are grants to help with taking down these kinds of houses. Trustee Whipple stated there are not grants to assist with demolition and that we should have Code Enforcement Rue condemn the "barn". Trustee Whipple inquired if the "barn" was a separate tax parcel and if it was current on taxes. Clerk-Treasurer Woodworth stated it is a separate parcel and it was returned to Orleans County this year for unpaid taxes. Mayor McAvoy stated he asked Code Enforcement Rue to hold off on condemning with Pennysaver closing. Trustee Whipple and Superintendent Woodworth discussed that asbestos testing would need to be done. They are sure with the shingle siding that there is asbestos. The Board agreed to have Code Enforcement Rue look into condemning the property.

**USE OF FACILITIES**

- Kevin Johnson on behalf of Adam Doran and the Lyndonville Baseball League would like to use the Lake Avenue ball fields Monday through Saturday for practices. Mayor McAvoy informed Mr. Johnson that the League would need to complete the Use of Facilities form, provide a schedule of the practice dates and times as well as provide a Certificate of Insurance before the Board could approve the request. Clerk-Treasurer Woodworth advised we are in the process of revising the Use of Facilities form and she could mail one out or who should she get a copy to? Mr. Johnson asked that the form be given to Janet Johnson. Clerk-Treasurer

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Woodworth also informed Mr. Johnson that the Board in November 2012 made all Village property smoke free so the League will want to make sure that the coaches and parents are aware that Lake Avenue ball fields are now smoke free. Mr. Johnson stated he will inform the League and thanked the Board for their time.

**Report – Fire Chief Gerety**

- YTD calls – 39, MTD calls – 20 (4 – EMS in Town, 7 – EMS in Village, 2 – Hazardous Condition, 1 – Gas Odor, 2 – Automatic Alarms, 2 – M/A FAST to Medina, 1 – MVA in the Town and 1 – Chimney Fire in the Town )

**Report – Code Enforcement – Rue**

- Excused – Clerk-Treasurer Woodworth stated that Code Enforcement Rue was complete with cleaning up all the past paperwork and ready to start moving forward on current issues.

**Report – Attorney – Schubel**

- Working with Jeff Smith from Municipal Solutions on the refunding of the bonds
- Worked with Clerk-Treasurer Woodworth to prepare the legal notice for The Journal- Register regarding the State Comptroller’s audit.

**Report – Clerk-Treasurer Woodworth**

- USDA refunded \$26,206.00 that was debited in error on February 19, 2013.
- The NYS 45 for the 4<sup>th</sup> quarter of 2011 that was filed incorrectly by the prior bookkeeper and we were fined \$750.00. Clerk-Treasurer Woodworth was able to get NYS to waive the fine.
- Working on the budget.
- Spoke with NYS Comptroller’s Office and the Board and Mayor’s payroll should be budgeted in the General Fund only not Water Fund and Sewer Fund as it was previously being done. Also the Clerk-Treasurer’s pay is ok to be budgeted across the General Fund, Water Fund and Sewer Fund.
- Vouchers – # 484 – # 532 to be paid

General	\$ 11,223.02
Water	\$ 7,908.27
Sewer	\$ 3,379.51
Capital	<u>\$106,779.88</u>
<b>Grand Total</b>	<b>\$129,290.68</b>

**RESOLUTION NO 2013-15**

**VOUCHERS TO BE PAID**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth to pay Vouchers #484- #532.

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

**Report – Superintendent Woodworth**

- Paul Chatfield sent out the information for the new Water Agreement with the Town of Yates.
- Waste Water Treatment Plant – Everything is still the same. There are three (3) programmers working on the computerized controls. Superintendent Woodworth has concerns about manual controls. We are close to closing out our contracts with Blue Heron and Allied Builders.
- Steve from USDA is watching the remaining funding for this capital project. This is the longest capital project, 16 months so far.
- Lyndonville Fire Department put a message on their sign about the Village Board meetings.

**Report – Trustee Tuohey**

- Left a message for Senator Maziarz to contact her regarding grants that are available. Trustee Tuohey will call back if she doesn’t hear from Senator Maziarz office.

**Report – Trustee Whipple**

- Hasn’t forgotten about the computer for the Village police car. The Orleans County computer person calls Trustee Whipple every so often to say he hasn’t forgotten too.
- Trustee Whipple didn’t have any luck getting a spare radar gun from Orleans County.
- Trustee Whipple noted in the January 2013 police report that Officer Riemer was questioning U-turns on Main Street. Clerk-Treasurer Woodworth stated there is a local law stating no U-turns. Trustee Whipple would like to see Officer Riemer give warnings about U-turns and see if that stops them.
- Trustee Whipple also noted from the report about signs in the crosswalks. Superintendent Woodworth stated that none the tractor trailer trucks would be able to make the turns with the signs in the middle of the road. Also that Route 63/Main Street is a State Highway and would require approval from the State.
- Trustee Whipple asked Attorney Schubel if he could draft a waiver of liability so Officer Riemer would be able to do vehicle lock outs.

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**Report – Trustee Woodward Jr.**

- Trustee Woodward Jr. met with the Town of Yates, Dave Hydock, Larry Lonigan and top three (3) officers in the LFD regarding a 5 year plan and discussion of purchasing a new fire truck. Trustee Woodward Jr. would like to invite them to a workshop to discuss funding to get rid of two (2) fire trucks and purchase one (1) to replace them.
- Use of Facilities \$25.00 deposit – Trustee Woodward Jr. feels that for the service the LFD provides for the Village that the \$25.00 deposit should be abolished. Mayor McAvoy stated the Village would like to do away with the fee as well as the inspection of the Fire Hall after the use.

**RESOLUTION NO 2013-16**

**ABOLISH THE \$25.00 DEPOSIT ON USE OF FACILITIES**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Tuohey, to abolish the \$25.00 deposit on the Use of Facilities.

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

- Trustee Woodward Jr. inquired if the Zoning Board of Appeals is fully staffed and ready to take action on zoning issues. Mayor McAvoy stated yes we now have three (3) zoning members.

**Report – Trustee Tuk**

- Excused

**OLD BUSINESS:**

- Nothing

**Report – Mayor McAvoy**

- Municipal Solutions is working on the refunding of the bonds.
- NYS Comptroller's Office was here and looked at our past budgets and stated the Water Budget and General Budget look good but our Sewer Budget was about 3% and it should be around 7%. Clerk-Treasurer Woodworth stated putting the Board payroll and Mayor's payroll back into the General Budget will help the Sewer Budget. Some of the prior Clerk's had the Board and Mayor's payrolls broken out over Water, General and Sewer.
- Mayor McAvoy asked if anyone was interested in being the County Planning Board Member. The meetings are Thursday nights at 7:00pm.
- Superintendent Woodworth asked if Mayor McAvoy was going to form committee's to work on the policies and procedures that need to be addressed from the State Comptroller's report. Mayor McAvoy stated he would be doing that this coming week. Mayor McAvoy commented on how we have 90 days to respond.
- Superintendent Woodworth asked if the Village was going to go forward with the Christmas tree idea Wes Bradley brought to the Board at the February Board Meeting. Mayor McAvoy would like to go forward with the idea and asked Superintendent Woodworth and Clerk-Treasurer Woodworth to look into everything that will be needed to make it happen.
- Mayor McAvoy requested to go into executive session to discuss the Trustees pay. Attorney Schubel advised that executive session is not appropriate to discuss the Trustees pay. Mayor McAvoy asked how everyone felt about the Boards pay staying with same salary from 2012-2013 in 2013-2014. Trustee Woodward Jr., Trustee Whipple and Trustee Tuohey all stated they were fine with no pay increase.

**NEW BUSINESS:**

- Radar Gun – Officer Riemer provided Clerk-Treasurer with two (2) radar guns that would work the best. Clerk-Treasurer Woodworth obtained pricing on them the cheapest model was less than \$1,000.00.

**RESOLUTION NO 2013-17**

**PURCHASE OF A RADAR GUN**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth purchase radar gun no to exceed \$1,000.00.

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

- Purchasing Gun Agreement – Officer Riemer is looking to have the Village purchase a gun that is the same as Orleans County Sheriff's Department uses so he may use the County ammunition for qualifying. Currently Officer Riemer has to qualify twice a year and the Village provided the ammunition last time at a cost of \$200.00. Officer Riemer advised that Medina Police Department will purchase a gun for their Officer's and then have the Officer pay it back by payroll deduction. Medina Police Department was not able to provide a copy of their agreement as an example. Attorney Schubel advised he's never heard of this agreement before. The Board decided to hold off on this agreement and to do a little more research first.

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- Training –
  - NYCOM – Village Officials Workshop – Friday April 19, 2013 – Registration Fee is \$95.00 - Trustee Tuk would like to attend.
  - OSC – Basic Accounting Training – April 23 – 25, 2013 – Registration Fee is \$85.00 – Clerk-Treasurer Woodworth would like to attend.

**RESOLUTION NO 2013-18**  
**TRAINING FOR TRUSTEE TUK AND CLERK-TREASURER WOODWORTH**

**ON MOTION** of Trustee Whipple, seconded by Trustee Tuohey, to send Trustee Tuk to the NYCOM Village Officials Workshop and to send Clerk-Treasurer Woodworth to the OCS Basic Accounting Training.

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

- Standard Workday Resolution – Per NYS Retirement the Village needs to adopt a Standard Workday Resolution.

**RESOLUTION NO 2013-18**  
**STANDARD WORKDAY**

**ON MOTION** of Trustee Whipple, seconded by Trustee Woodward Jr., **BE IT RESOLVED**, that the Village of Lyndonville/Location code 40296 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/Day )	Term Begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<b>Elected Officials</b>									
Trustee	James Whipple	8189	41618737	6	4/1/2012 - 3/31/2016	N	0.53	<input type="checkbox"/>	<input type="checkbox"/>
Trustee	Danny Woodward Jr.	4772	41043431	6	4/1/2012 - 3/31/2016	N	1.56	<input type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials</b>									
Clerk-Treasurer	Teri M Woodworth	1275	60048543	8	4/1/2012 - 3/31/2016	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Superintendent of Public Works	Terry M Woodworth	5445	13989223	8	6/1/2012 -5/31/2012	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>

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

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Whipple, to adjourn the meeting at 8:11 p.m.

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

*Teri Woodworth*  
 Clerk-Treasurer