

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, May 13, 2013 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	Douglas Rue
	Attorney	David Schubel
	Fire Chief	Jason Gerety - Absent
	Public:	

APPROVAL OF THE MINUTES

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, to accept the minutes of the April 8, 2013 regular meeting and April 29, 2013 Special meeting with the change from \$10.28 to \$10.43 per thousand for Village Property Taxes.

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

PRIVILEGE OF THE FLOOR:

- Nothing

USE OF FACILITIES

- Lyndonville Central School would like to request of the use of the meeting room at the Village Hall for tutoring of students. They have provided a schedule however the days and times may vary from time to time based on whether the student is in school that given day.

RESOLUTION NO 2013-32

USE OF FACILITIES – LYNDONVILLE CENTRAL SCHOOL

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to approve Lyndonville Central School to use the meeting room at the Village Hall for tutoring of students.

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

Report – Fire Chief Gerety

- Trustee Woodward Jr. noted that the Fire Department was busy Sunday with 6 calls.
- Trustee Tuk asked Trustee Woodward Jr. if the Village had a copy of the updated bylaws and how things were going with the Junior Fire Fighters. Trustee Woodward Jr. stated the bylaws are almost complete; they had to add the Junior Fire Fighters part.
- The Fire Department is going to be doing a pre-Prom DWI drill and they hoped to gain some Junior Fire Fighters from that drill.

Report – Code Enforcement – Rue

- Reported: Building Permits issued – 8, Certificate of Occupancy issued – 1, Certificate of Compliance issued – 1, Building Permit Inspections completed – 3
- Attended 3 ZBA Public Hearings.

Report – Attorney – Schubel

- Completed the Water Agreement with the Town of Yates and Village of Lyndonville. Noted that the Town did pass the agreement.

Report – Clerk-Treasurer Woodworth

- Gaesser Agency update – Kaylee will be working in the Clerk's office three (3) days a week to assist with updating data in KVS that the prior Bookkeeper didn't provide.
- Toski update – Toski came in for about 30 minutes to obtain some missing information. They are having trouble balancing given that the prior Bookkeeper was not coding the Water and Sewer payments appropriately. They hoped to have a management letter to us in the next couple of weeks.
- Clerk-Treasurer Woodworth made business cards for Officer Riemer as he has to give them out anytime he fills out a report. Clerk-Treasurer Woodworth is working on business cards for Code Enforcement Rue next.
- Clerk-Treasurer Woodworth would like to attend the Niagara/Orleans Village Clerk's round table on May 22, 2013 at 11:00 in Lockport.

RESOLUTION NO 2013-33

NIAGARA/ORLEANS VILLAGE CLERK'S ROUND TABLE

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to approve Clerk-Treasurer to attend the Niagara/Orleans Village Clerk's round table.

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- KVS – Clerk-Treasurer Woodworth has been working with KVS to reduce the annual cost for their services. The Village’s current annual cost is \$2,415.00. This includes Software Subscription Service (SSS) of \$626.25, Unlimited Hotline Service of \$208.75 and Cloud Maintenance (Hosting of Applications)/User Fee/E-mail Account Fee (less discount) of \$1,580.00. The breakdown of the \$1,580.00 is user 1 is \$948.00 and user 2 is \$632.00. User 2 is for Mayor McAvoy and the Village’s Bookkeeper. It’s an option to go off the cloud and bring the product in-house. KVS originally quoted \$895.00 to bring the Village of the Cloud services. After many long conversations KVS agreed to change the quote to \$695.00 as long as the Village has the proper equipment to operate KVS’s program. Clerk-Treasurer Woodworth forwarded KVS’s system requirements to Bill Belson and he will review to see if this is an option. Clerk-Treasurer Woodworth explained it would make every day functions with KVS more efficient. The Board discussed and would like Bill Belson to advise what is needed to make this transfer happen.

- Vouchers – # 606 – # 665 to be paid

General	\$ 10,963.78
Water	\$ 4,733.34
Sewer	\$ 4,827.72
Capital	\$ 6,117.09
Grand Total	\$ 26,641.93

RESOLUTION NO 2013-34
VOUCHERS TO BE PAID

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, to have Clerk-Treasurer Woodworth to pay Vouchers #606- #665.

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

- Code Enforcement Rue asked the Board if he would sign the Building Permits. Currently Clerk-Treasurer Woodworth has to sign them. He’s not sure why this is, in other municipalities the Code Enforcement Officer signs the Building Permits.

RESOLUTION NO 2013-35
SIGNING OF BUILDING PERMITS

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to allow both Code Enforcement Rue and Clerk-Treasurer Woodworth to sign Building Permits.

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

Report – Superintendent Woodworth

- Superintendent Woodworth would like to put an ad in the paper to hire some part time summer help. He has several things he could use the extra help for. Superintendent Woodworth stated they will have to be 18 years or older, he knows our insurance company would prefer they be at least 21. Trustee Tuk asked what the rate of pay would be for the summer help. Superintendent Woodworth stated he would start them at minimum wage and go from there.

RESOLUTION NO 2013-35
HIRING OF PART- TIME SUMMER HELP

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to allow Superintendent Woodworth to place an ad to hire some part-time summer help.

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

- Superintendent Woodworth received some quotes on tree removal:
 - Orleans Co. Tree Service - \$750.00 for one and \$700.00 for the other.
 - Top Notch Tree Service - \$ 800.00 for one and \$800.00 for the other.Superintendent Woodworth would like to get a couple more quotes but he would like to take the trees down as soon as possible within the 2012-2013 budget year.

RESOLUTION NO 2013-36
TREE REMOVAL

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to award tree work to Orleans Tree Service.

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

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- The NYS Department of Transportation Undertaking Agreement has expired. Superintendent Woodworth stated once it's renewed its good for twenty (20) years. Attorney Schubel advised it was a standard agreement and it was ok to authorize the Mayor to execute the Undertaking Agreement.

RESOLUTION NO 2013-37

NYS DEPARTMENT OF TRANSPORTATION - UNDERTAKING AGREEMENT

ON MOTION of Trustee Whipple, seconded by Trustee Tuohey, to authorize Mayor McAvoy to execute the Undertaking Agreement with the NYS Department of Transportation.

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

- The Orleans County Health Department would like to know what the Village has decided about Fluoridation. Mayor McAvoy stated we haven't decided anything. Superintendent Woodworth noted that the NYS Health Department called Orleans County to see what the Village was going to do. Trustee Tuk stated we only have information from one side. The comment was made about why does it say on a tube of toothpaste not to swallow the toothpaste when brushing your teeth. Superintendent Woodworth hasn't looked into the cost to provide Fluoridation. Trustee Tuk noted we don't have all the information at this point to stop with the Fluoridation. Superintendent Woodworth stated there was a requirement recently to increase the level. Superintendent Woodworth will follow up with the Health Department and let them know the Village is discussing Fluoridation, if it's an option to stop, how to stop and why or why not.
- NYS Parade Permit requirement – Superintendent Woodworth has spoken to the NYS representative regarding parade permits on a State highway.
 - The Memorial Day Parade – As long as the parade is less than ten (10) minutes long no permit is required and the Village is responsible for regulating the function.
 - The 4th of July Parade – Superintendent Woodworth questions is who is responsible for the obtaining the permit. Technically the parade is sponsored by the Lyndonville Lions Club. Given that the 4th of July parade is well over ten (10) minutes the 33c Application needs to be completed as well as a map of the parade route, a detour route and an evacuation plan. Only Peace Officer's or above in ranking would be able to direct traffic. Trustee Whipple asked if Fire Police would be to assist in traffic control. According to the NYS representative, no. Superintendent Woodworth stated that NYS DOT State approved barricades and signs will be required. In years past the DPW has had little to do with the day of the function. Trustee Whipple asked if anyone has spoken with the Lions Club. Superintendent Woodworth said not yet, however Town of Yates Superintendent Belson did tell our news reporter that the Village had plans. The recommendation was made that the Town of Yates, Lyndonville Lions Club and the Village of Lyndonville need to meet and discuss how to handle this. Clerk-Treasurer Woodworth stated she did request seven (7) auxiliary officers from Orleans County this year as well as Officer Larkin will be working with Officer Riemer too. The question was asked if we are getting auxiliary police does that mean the Village is responsible, and does that mean the Village has to open the option of parades to other organizations? Trustee Whipple will get a coordinator from the Lions Club to work with the Village on this as his concerns that there won't be enough man power from the Lions Club to assist with the setup on the day of the function.
- Chatfield Engineer Schepp has advised that there is some extra money from the Sewer Plant Capital Project that could be spent. Mayor McAvoy, Trustee Tuk and Superintendent Woodworth will met with Engineer Schepp to see what else needs to be replaced or fixed. Superintendent Woodworth added that Blue Heron was here last Friday to trouble shoot promblem the sludge pumps.
- Superintendent Woodworth presented the proposed sign for the dump site behind the DPW.

Report – Trustee Tuohey

- Called Senators office regarding the Pennysaver to see if the Senator could work directly with IGA headquarters to look into purchasing the Pennysaver building.

Report – Trustee Tuk

- Asked Code Enforcement Rue what the time frame was on the green building behind the Pennysaver. Code Enforcement Rue stated he condemned the building on May 2, 2013 and that there is no teeth in the law to do much more than that. He added basically it would be a court appearance and Judges tend to give month after month to fix it and then it usually gets dismissed. Rue noted we responded to the written complaint that's all we can do for now. Superintendent Woodworth stated there is an open basement window that should be boarded up.
- Sewer Plant Capital Project – The Village is close to closing out contracts with Allied and Blue Heron. Superintendent Woodworth stated there will be training on the PLC touch screen system next week. There are still problems with the PLC screen going blank. Programmer says it will do that occasionally.
- NYCOM – Trustee Tuk attended a training session and obtained from Zeller lots of good information. Trustee Tuk stated that all Board members emails can be FOIL-ed and he's concerned about the Board member's storage space for saved emails. Clerk-Treasurer Woodworth advised if he was to use Windows Live Mail there are no storage limits, Clerk-Treasurer Woodworth will assist Trustee Tuk with getting that setup.
- Noted to Trustee Whipple he sent him an email with some thoughts and concerns on the IT Policy they are working on for the Village.

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- Lyndonville Little League – Trustee Tuk asked if the League was using the ball fields properly according to their use of facilities request. Clerk-Treasurer Woodworth stated they only requested the fields from 6:00PM to 8:00PM Monday – Friday and Saturday’s 9:00AM to 12:00PM. It seems that most practices are starting around 4:30PM and the fields are not being used every day Monday through Saturday. Mayor McAvoy noted that the League has been kicked off the fields at Lyndonville Central School due to messing up a softball field and they are now only allowed to use the grass in between the ball fields.
- Trustee Tuk stated if the Village is going to increase the current Availability Charge a Local Law would be needed.
- SBA – Trustee Tuk noticed SBA is fishing for money. They want to extend the lease to 2050 instead of 2036. And now their offer is \$220,000.00 up front and the monthly payments would stay the same. Trustee Tuk stated he would like to see the monthly payments increase with the extension of the lease.

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Whipple

- Asked Attorney Schubel if a Board Member was to leave would the Board the Mayor would just appoint someone? Attorney Schubel stated yes and they would have to live within the Village limits.

Report – Mayor McAvoy

- Workshops – Mayor McAvoy stated they don’t seem to be working for everyone. We need everyone to attend to discuss business and do our monthly audit processes. Mayor McAvoy suggested Tuesday’s or Thursdays. Clerk-Treasurer Woodworth stated the audit process is the vouchers & payroll, bank statements, cash drawer and now attendance for the employee’s will be audited. Trustee Whipple stated he’s not a workshop kind of guy. Trustee Tuk added that the Town of Yates make their decisions at workshops and just come into their Board meeting and vote. Their meetings only last twenty (20) minutes. Trustee Tuohey feels workshops are needed.

OLD BUSINESS:

- Appointment – Zoning Clerk – Mayor McAvoy would like to appoint Clerk-Treasurer Woodworth as the Zoning Clerk.

RESOLUTION NO 2013-38

ZONING CLERK

ON MOTION of Trustee Whipple, seconded by Trustee Tuk, to appoint Clerk-Treasurer Woodworth as the Zoning Clerk at a rate of time and a half of her hourly rate for Zoning Board of Appeals meetings.

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

- IT Agreement with WRB Graphics (Bill Belson) – Mayor McAvoy would like to accept the IT Agreement with WRB Graphics (Bill Belson). Trustee Tuk went over the agreement with Mr. Belson.

RESOLUTION NO 2013-39

IT AGREEMENT WITH WRB GRAPHICS (BILL BELSON)

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to enter into the IT Agreement with WRB Graphics (Bill Belson) once Attorney Schubel has reviewed and approves.

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

- Purchase Gun Agreement – Clerk-Treasurer Woodworth checked with the State Comptroller’s Office and they provided a copy of Local Finance Section 1 that states the Village cannot advance money to anyone. (See attached)

RESOLUTION NO 2013-40

RESIND RESOLUTION NO 2013-24

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to resind Resolution 2013-24 authorizing the Village to enter into a Purchase Gun Agreement with Officer Riemer.

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

- 117 Maple Avenue – Mayor McAvoy noted that Orleans County has 117 Maple Avenue up for public auction on May 3, 2013. Clerk-Treasurer Woodworth spoke to Assessor Harling as to how the Tax Roll would be effected if a neighbor was to purchase the lot versus the Village getting the property back from the County. Per Assessor Harling if a neighbor was to purchase the property it would increase the Village Tax Roll approximately \$3,400.00. If the Village was to obtain the property back to sell it themselves the Village would have to pay back the County \$3,821.91, plus be responsible for the Village property taxes until it’s sold. Trustee Whipple commented its never a good idea for the municipality to get the property back and sell it themselves. He has seen

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so many just sit there and the municipality is stuck with them. Superintendent Woodworth noted that the property has water, sewer and gas service already. Mayor McAvoy stated the Village is already in the hole from the costs for the demolition of the house. Trustee Tuk asked Superintendent Woodworth how did he obtain the property between him and the Johnson's. Trustee Tuohey noted it's a conforming lot that someone could build on it. Code Enforcement Rue stated the price of houses now a days are high, plus the Village would have to have a survey and abstract done. Mayor McAvoy recommended leaving 117 Maple Avenue in the Counties hands and let them sell it.

NEW BUSINESS:

- Hard Drive - Trustee Tuk stated he and Trustee Tuohey had taken the returned hard drive from Mayor McAvoy to WRB Graphics to see if anything could be recovered and to see if there was any proof the hard drive was the Village's. Per WRB Graphics there is no proof the hard drive is the Village's and was not able to obtain/recover anything off of the hard. WRB Graphics recommendation was to put a drill to the hard drive. Trustee Tuk brought a small sledge hammer with him and destroyed the hard drive in front of the Village Board.
- Mayor McAvoy stated the new policies are being worked on.
- Tax Warrant –
To Teri Woodworth Village Clerk-Treasurer

YOU ARE HEREBY COMMANDED to receive and collect from the several persons named in the tax roll here unto annexed, the sum stated in the last column hereof opposite their names, being a total of \$301,686.00 for the following purposes:

For the Current Budget \$ 1,131,882.00

YOU ARE FURTHER COMMANDED to receive and collect such sum without additional charges between the first day of June and the first day of July 2013 both inclusive; and thereafter to collect with such of the sums as have not been theretofore collected, an additional charge of five per centum for the first month or fraction thereof, and one per centum for each month until paid.

YOU ARE FURTHER COMMANDED to return the tax roll and warrant to the Village Clerk on or before the first day of November, 2013, and to deliver to the board of trustees at the same time an account of the taxes remaining due and unpaid; describing each parcel of real property upon which taxes are unpaid, showing the person or persons to whom the parcel is assessed and showing as to each parcel the amount of tax unpaid.

RESOLUTION NO 2013-41
TAX WARRANT – 2013-2014

ON MOTION of Trustee Whipple, seconded by Trustee Tuk, to accept the 2013-2014 Tax Warrant as read.

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

- Superintendent Woodworth stated that at the Sewer Plant progress meeting USDA representative stated that Parkside Apartments received a grant for updating of the facility. Clerk-Treasurer Woodworth inquired with Assessor Harling if the improvements would increase Parkside's assessment. Per Assessor Harling it would not, it's a low income housing so they can only be assessed based on their annual income.
- OSC – Clerk's over paid – Trustee Whipple asked what Attorney Schubel's recommendation was on the over payments. Trustee Tuohey stated that Clerk-Treasurer Miller's overpayment is a felony. Attorney Schubel stated he didn't feel it was criminal. Trustee Tuk stated that the State Comptroller's Office wasn't able to prove intent but the question is was it willful or not? Clerk-Treasurer Woodworth FOIL-ed the State Comptroller's Office for the field auditor's work papers and will forward them to Attorney Schubel. Trustee Whipple stated the response should come from legal counsel.
- Year End Meeting – Scheduled for May 29, 2013 at 6:00PM
- Mayor McAvoy proposed giving 3.5 vacation hours to Clerk-Treasurer Woodworth as she's completed one (1) year of employment with the Village as of May 14, 2013. This figure is prorated based on how many hours Clerk-Treasurer Woodworth worked from May 14, 2012 to June 1, 2012. The Board was all in agreement of the 3.5 hours.

ON MOTION of Trustee Whipple, seconded by Trustee Woodward Jr., to adjourn the meeting at 8:43 p.m.

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

Teri Woodworth
Clerk-Treasurer