

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, October 12, 2015 at the Village Hall. Meeting opened at 6:00 p.m.

PRESENT:	Mayor:	Stephen C. McAvoy
	Trustees:	Charles Covell - Excused
		James Tuk
		Ellen Tuohey - Excused
		Danny Woodward Jr.
	Clerk-Treasurer	Teri Woodworth
	Supt. of Public Works	Terry M. Woodworth
	Code Enforcement Officer	Aaron Young - Absent
	Attorney	David Schubel
	Fire Chief	Jason Gerety
	Public:	Richard Hellert, Jennifer Terry, Haley Shaffer & Carla Woodworth

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to accept the minutes of the September 14, 2015 regular meeting.

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

PRIVILEGE OF THE FLOOR:

- Richard Hellert - Mr. Hellert is a real estate agent for Whipple Realty and presented the Board with a proposal to sell approximately four acres of the Village's property located behind the Fire Department garage on Railroad Avenue. Mr. Hellert has been working with Monolith Solar Associates, LLC out of Renssalaer, NY, who just purchased twenty acres in Newfane for a solar farm. Mr. Hellert noted that three phase connection is necessary for the project which is already available at the Railroad Avenue location. The energy at this point would go into the grid, Mr. Hellert hopes that further solar farms would allow for the energy to be put back into the Lyndonville community, school, Village properties and local businesses as example. The Board asked Attorney Schubel to review the paperwork Mr. Hellert proposed. Superintendent Woodworth inquired the solar panels would be fenced in, Mr. Hellert advised that could be part of the terms of the sale. Mr. Hellert was asked if it was an option to lease the property as opposed to selling, Mr. Hellert stated that could be an option however he didn't have any figures on that as most have been taking the sale option. The Board thanked Mr. Hellert for his presentation and noted they will consider it and look into it further.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to open the public hearing on the Local Law 4 of 2015 Regulating Unsafe Buildings in the Village of Lyndonville and Repealing Local Law No. 1 of 1987 at 6:15pm.

Attorney Schubel highlighted the changes from the 1987 Local Law 1, which enhances the Village's ability to take legal action to seek reimbursement for any cost associated with maintaining or demolishing a condemned property. As well as allow for a title search to obtain the information of all parties bound to the property so they may be put on notice as well.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to close the public hearing on the Local Law 4 of 2015 Regulating Unsafe Buildings in the Village of Lyndonville and Repealing Local Law No. 1 of 1987 at 6:17pm.

RESOLUTION 2015-126

LOCAL LAW 2015-4 - REGULATING UNSAFE BUILDINGS IN THE VILLAGE OF LYNDONVILLE AND REPEALING LOCAL LAW NO. 1 OF 1987

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to adopt a Local Law 2015-4 Regulating Unsafe Buildings in the Village of Lyndonville and Repealing Local Law No. 1 of 1987

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

- Jennifer Terry addressed the Board with her concerns regarding her most recent water/sewer bill for 50,000 gallons totaling \$619.50 however its past due so with penalty is now \$681.54. Ms. Terry stated she hasn't resided in the home for the last two to three months, she's had the Village DPW check for leaks as well. Ms. Terry mentioned she contacted neighbors to see if anyone had been using her water. She stated that the Coleman's admitted to using her water and have agreed to pay half of her current water/sewer bill which is approximately \$300.00. Ms. Terry asked if the Village would agree to a payment plan for the remainder of the bill. Ms. Terry stated she could pay \$150.00 by October 16, 2015 and another \$150.00 by November 13, 2015. She also noted that if the Coleman's don't pay the half that they agreed to she will pursue theft of services charges. The Board asked Ms. Terry to come back to the November 9, 2015 Board meeting to discuss this further after they have seen if any payments have been made, Ms. Terry agreed.

USE OF FACILITIES

- Fire Hall – Lyndonville Lions Club is requesting use of the Fire Hall on October 24, 2015 from 9:00am to 12:00pm for a their annual pumpkin carving contest.

RESOLUTION NO 2015-127

USE OF FACILITIES - LYNDONVILLE LIONS CLUB

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ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to approve the use of facilities for Lyndonville Lions Club for October 24, 2015 for a pumpkin carving contest.

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

Report – Fire Chief Gerety

- Report - YTD calls – 158, MTD calls – 15 (6 – EMS in Town, 7 – EMS in Village, 1 - Search in the Town, 1 - MVA in the Town)
- Three members are working on their EMT certification
- Clerk-Treasurer Woodworth noted the Fire Prevention winners ride to school permission slips were still needed.
- Clerk-Treasurer Woodworth mentioned she is working on a meeting with the Board of Directors regarding new members.
- Clerk-Treasurer Woodworth verified she received a report showing the proceeds of \$972.50 from the cruise nights at the HoJack Ice Cream Shack and Snack Bar, no additional raffle license will be required by the Fire Department.
- Superintendent Woodworth noted the tank for Lyndonville #10 is in however it is damaged from shipping. Sam's Apparatus is working with the company on how they are going to handle this situation.

Report – Code Enforcement Young

- Absent - Report given by Clerk-Treasurer Woodworth: 3 -Building Permits

Report – Attorney Schubel

- Planning Board - Attorney Schubel noted we are still waiting for New York State to take an opinion on the situation.
- Attorney Schubel met with Clerk-Treasurer Woodworth and Trustee Tuk to discuss the repayment of the sewer bonds.
- Attorney Schubel will work on the relevy agreement with the Town of Yates for residents outside the Village that water may need to be relevied for non-payment. Attorney Schubel will wait for Clerk-Treasurer Woodworth to provide the list of parcels.

Report – Clerk-Treasurer Woodworth

- Police Report - Confirmed everyone received Officer Larkin's police report.
- Vouchers – Abstract A5 #10279 - 10330 to be paid

General	\$ 49,500.69
Water	\$ 9,014.06
Sewer	\$ 2,597.06
Payroll	\$ 3,147.81
Grand Total	\$ 64,259.62

RESOLUTION NO 2015-128

VOUCHERS TO BE PAID FOR ABSTRACT A5-2016

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to have Clerk-Treasurer Woodworth to pay Abstract A5 Vouchers #10279 - 10330.

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

- Bonadio Group - Clerk-Treasurer Woodworth noted the Bonadio Group has started auditing the Village's 2014-2015 fiscal year and will need to have their engagement letter signed. They will be assisting with filing the Village's annual update document this year as well.

RESOLUTION NO 2015-129

BONADIO GROUP 2014-2015 AUDIT

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to accept the Bonadio Groups engagement letter to audit the 2014-2015 fiscal year.

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

- Clerk-Treasurer Woodworth noted she's received Mayor McAvoy's letter of resignation effective October 31, 2015.
- Clerk-Treasurer Woodworth has received five written complaints regarding cats on Eagle Street, from Joyce Robinson, Sheila Foote, a resident at 90 Eagle Street, Haley Shaffer and Teri Woodworth. Clerk-Treasurer Woodworth read her own letter:

October 12, 2015

Dear Village of Lyndonville Board,

I've attached some photos of the backyard at 84 Eagle Street owned by Mildred Leonard. The first picture is a view of the hedgerow between 84 Eagle and 78 Eagle (I live at 70 Eagle). The rest of the pictures you will see the "huts", barrels and tarps used to create cat bungalows. Also notice

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the shed that the door is left open specifically for the feeding of feral cats. Every evening Millie attracts several cats as she calls "here babies here babies" either into the shed or to her side door to be fed just before dark. We are talking about at least 20-30 feral cats that I'm 99.9% sure they have not been properly vaccinated. These feral cats are destroying neighbors gardens and using our yards and gardens as their litter boxes. I can't express the overwhelming disgust that comes over me when I'm done mowing my lawn and my legs, socks and sneakers reek of cat feces. I have had a couple of conversations with Ms. Leonard asking her to stop feeding these cats. During these conversations the cats do circles around my legs upon which I was able to see infectious matter on and around several of the kittens/cats eyes. I don't believe they are being properly cared for or fed as the feces that is being left in my yard and several others on Eagle Street has a disgusting odor, its orange and contains worms/maggots. I can't even walk in my backyard barefoot in fear that I will step in this disgusting feces. Also my 10 year old daughter finds it hard to play in the yard because of so much feces from these cats. In 2014 Ms. Leonard came in to pay her water/sewer bill and have a huge scratch on her hand that look extremely infected, it was a scratch from one of these cats. I did advise her she should have a doctor look at it. I did visit Ms. Leonard's residence on one other occasion to obtain back another neighbors key. During this visit I was completely nauseated by the sight of all the feces on her front porch steps and porch, upon reaching the front door the smell of cat urine was so intoxicating it took my breath away and made my eyes water. I have real concerns for Ms. Leonard's health as well as all the neighbors around her and the Lyndonville community with so many unhealthy, unvaccinated, poorly fed cats roaming around. Ms. Leonard had also stated to me in the past that she feeds skunks, raccoons and possums. (She gives them all names....)

I have been in contact with Erie County SPCA who would be willing to assist in capturing these cats, having them treated and find suitable homes for them however they would need a law enforcement agency to obtain a warrant stating Erie County SPCA can assist. Erie County SPCA directed me to Orleans County SPCA which is the Orleans County Animal Shelter in Albion. I contacted them they directed me to Orleans County Animal Control Officer Smith, I've spoken to her several times and her answer is she can't do anything. I've spoke to NYS DEC Officer Fonda who lives at the end of the street behind Ms. Leonard's residence and has notice "stray cats" in his yard. NYS DEC Officer Fonda placed a call to Orleans County Health Department and they would only be able to assist if someone was scratched or bitten by one of these cats. NYS DEC Officer Fonda visited Ms. Leonard and during this visit 12 cats congregated around his feet. He also witnessed the "huts"/shelters you see in my pictures. According to NYS DEC Officer Fonda Ms. Leonard has enough shelters setup for approximately 14-16 cats if each shelter is to hold 2 cats. NYS DEC Officer Fonda also provide me with some laws at the State level on animals. Please see the attached NYS Public Health Law § 2141 Compulsory Vaccination, that requires every dog, cat and domesticated ferret to be rabies vaccinated. I've also reviewed the Village of Lyndonville Zoning Regulations and found Section 501,C , #2 states the following: Customary accessory structures serving residential uses including, but not limited to, private swimming pools, storage buildings, greenhouses, barbecues and pet shelters for not more than two (2) pets. Yesterday I was decorated my front porch for Halloween to find this extremely disgusting matter on the railing of my front porch, I'm not sure if its cat vomit or feces.... I have spoke with Medina Vet Hospital regarding my concerns as well. They did provide information regarding if these cats are infected with worms that the worms could be contracted by a human especially if a child was to step in infected feces. There are several types of worms that an animal can have if they are not properly feed and cared for. I will be taking a feces sample to Medina Vet Hospital to be tested with major concerns that my daughter could be susceptible to these worms and who knows what else with these cats being on my property. Therefore I strongly ask that Village Board enforce Zoning Regulation Section 501, C #2 upon the property of 84 Eagle Street and that owner be forced to stop feeding feral cats. As well as I ask that the Village Board adopt either Village code, zoning or a local law limiting the number of cats one is allowed to have as well as prohibit harboring and feeding of feral cats. Maybe it's time that owners are required to license their cats with the Village of Lyndonville... I welcome any member of the Village Board who would like to visit my property if they would like see my concerns for themselves.

Sincerely,
Teri M. Woodworth

Attorney Schubel asked Clerk-Treasurer Woodworth to forward him a copy of all the written complaints he will contact the Orleans County District Attorney's office to see what can be done on the grounds of causing a public nuisance.

Report – Superintendent Woodworth

- Dam Survey - Chatfield Engineers, P.C. should be complete with the Dam survey and maps in approximately three to four weeks.
- Eagle Street Paving Project - Superintendent Woodworth wanted to thank all the municipalities for their shared services with paving Eagle Street. He thanked Orleans County Highway Department, Village of Medina, Village of Albion, Town of Yates, Town of Albion, Town of Ridgeway, Town of Barre, Town of Murray, Town of Clarendon and the Town of Kendall.
- Sidewalks - The sidewalk replacement project should be starting October 13th or 14th.
- Trees - Superintendent Woodworth had four trees taken down and is going to use the County's stump grinder this week to remove the stumps.
- North Lyndonville Road Bridge - Superintendent Woodworth mentioned the bottom support is in and the wing walls are to be set for October 13, 2015 and the bridge is scheduled to reopen on October 30, 2015.

Report – Trustee Tuohey

- Nothing - Excused

Report – Trustee Tuk

- Sidewalks - Trustee Tuk inquired when My-T-Acres Inc. would be harvesting behind 70 & 80 South Main Street as he would really like to have the sidewalks replaced at the driveway. Clerk-Treasurer Woodworth advised My-T-Acres stated they would be harvesting anytime over the next three weeks.
- Trustee Tuk sent an email to Orleans County Legislator David Callard asking him if he would attend the next Village workshop to discuss some concerns regarding how monies are dispersed to municipalities in Orleans County.
- Water Rate Agreement - Trustee Tuk mentioned he informed the Town of Yates we are working on the new water rate agreement to include costs for maintenance of the tower since the Town uses approximately 50% of the water produced.

Report – Trustee Woodward Jr.

- Trustee Woodward Jr. mentioned he will be registering for the November 13, 2015 Fall 2015 Regional Local Government Workshop.
- Patrol Car - Trustee Woodward Jr. will be meeting with the Orleans County Tuesday October 13, 2015 to discuss proceeding with looking into a newer patrol car.
- Fire Department Agreement - Trustee Woodward Jr. inquired where things stand with getting the Fire Department Agreement approved and signed by the Town of Yates and all others that need to sign it. Clerk-Treasurer

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Woodworth stated the Town of Yates will be approving it at their next meeting so it will just be getting all the signatures after that.

Report – Trustee Covell

- Nothing - Excused

Report – Mayor McAvoy

- Nothing

OLD BUSINESS:

- Employee Handbook - Clerk-Treasurer Woodworth is working on the next section to be approved for the next Board meeting.
- 15 Eagle Street - The Board discussed the final grade and grass seed at 15 Eagle Street. The Board is now satisfied with the finish work.

RESOLUTION NO 2015-130

RELEASE OF RETAINAGE TO FREDERICO CONSTRUCTION FOR THE 15 EAGLE STREET DEMO

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to release the retainage of \$2,879.50 to Frederico Construction & Demolition, LLC for the demolition project at 15 Eagle Street.

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

NEW BUSINESS:

- Logics LLC - Clerk-Treasurer Woodworth presented the Board with agreement and proposal to switch accounting software from KVS to Logics LLC. The proposed cost is approximately \$18,000.00. The Board asked Attorney Schubel to review the agreement and advise prior to any decisions being made.
- Copier - Clerk-Treasurer Woodworth presented the Board with an early buyout agreement on the Village's current copier/scanner/fax machine. For an additional \$27.00 a month the Village can buyout early and have a new machine brought in that will allow for color printing.

RESOLUTION NO 2015-131

XEROX BUYOUT TO UPGRADE

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr. to agree to the early buyout of the existing Xerox 5225 machine and upgrade to the Xerox 7225 office color multifunction system.

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

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to adjourn the meeting at 8:02 p.m.

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

Teri Woodworth
Clerk-Treasurer