

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, December 14, 2015 at the Village Hall. Meeting opened at 6:01 p.m.**

PRESENT: Deputy Mayor: James Tuk  
Trustees: Charles Covell  
Ellen Tuohey  
Danny Woodward Jr.  
Clerk-Treasurer Teri Woodworth  
Supt. of Public Works Terry M. Woodworth - Excused  
Code Enforcement Officer  
Attorney David Schubel  
Fire Chief Jason Gerety - Absent  
Public: Jennifer Terry, John Paul Schepp, Donna Manquen, Jim Simon,  
John Champlin & Barb Champlin

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Covell, to accept the minutes of the November 9, 2015 regular meeting and the November 17, 2015 special meeting.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

**PRIVILEGE OF THE FLOOR:**

- Jennifer Terry informed the Board she is staying on track with paying the \$150.00 as promised. Her next payment will be made on January 15, 2016. Trustee Covell inquired if the home had been winterized. Ms. Terry stated it was not winterized and when she tried to shut off the main valve in the basement the handle just spins. Clerk-Treasurer Woodworth stated she will advise Superintendent Woodworth.
- Chatfield Engineers P.C. - JP Schepp presented the Board with the completed survey work regarding the Dam. Discussed with the Board a temporary dam from Portadam will be needed while the restoration work is done. Mr. Schepp discussed whether or not a double flood gate was needed or a single large gate. Once the new flood gate was installed the drainage pipes that are rotten would be filled with flowable fill and brick headed to match the rest of the wall. Mr. Schepp stated it would take approximately 30 days to complete the work.

**RESOLUTION NO 2015-142**

**DAM CONTROL GATE IMPROVEMENTS PROJECT**

**ON MOTION** of Trustee Covell, seconded by Trustee Woodward Jr. to accept the Dam Control Gate Improvement Project as it reads

WHEREAS, the Village of Lyndonville plans to complete the Dam Control Gate Improvements Project consisting of the repairs to the dam, retaining wall, and replacement and abandonment of the flood gates on the Lyndonville Dam.

WHEREAS, the above Project has been determined to be a "Type II Action" under SEQR regulations Section 617.5(b)(1); and

RESOLVED, that the Village Board hereby accepts that the project is a Type II Action as determined by Chatfield Engineers, P.C. and will have no adverse environmental impact.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

**RESOLUTION NO 2015-143**

**JOINT APPLICATION**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Tuohey to authorize Deputy Mayor Tuk to sign the joint application with the US Army Corps of Engineers to start the restoration project.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- John Champlin - Informed the Board his area variance was approved by the Zoning Board of Appeals and then he's told he couldn't have the demolition permit until he filled out more paperwork, why? Deputy Mayor Tuk stated the Board approved a new demolition form which the Village of Lyndonville has never had before and wanted to ensure that he was informed of all the requirements with a demolition. Mr. Champlin asked why it was done after he was already approved. Trustee Woodward Jr. stated in the past statements have been made that you're only doing what you were told so the Board felt it was best to make sure you had all the information. Trustee Covell noted that Code Enforcement Officer should have informed you of all of this. Mr. Champlin stated you're trying to force me to have an asbestos test done which costs money, and he is absolutely sure there is no asbestos in the building. The Board noted it's a New York State Labor Law requirement not a Village requirement and the Board simply wanted to be sure that the owners were aware of the requirements. Mr. Champlin inquired why he wasn't contacted and if the Board was aware of Deputy Mayor Tuk's phone call to the contractor Art Hill. Deputy Mayor Tuk apologized for not contacting Mr. Champlin and stated the Board was aware of his phone call. After a continued heated discussion Deputy Mayor Tuk thanked Mr. Champlin for expressing his concerns and asked if he had any further concerns to put them in writing to the Village Board and then closed privilege of the floor.

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**USE OF FACILITIES**

- Village Hall – NYS DEC is requesting use of the Village Hall on January 7, 2016 from 6:00pm to 8:00pm for a public meeting regarding Monroe Electronics property.

**RESOLUTION NO 2015-144**

**USE OF FACILITIES – NYS DEC**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to approve the use of facilities for NYS DEC for January 7, 2016 for a public meeting.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Fire Hall - Ben Walker is requesting use of the Fire Hall on January 9, 2016 for a birthday party.

**RESOLUTION NO 2015-145**

**USE OF FACILITIES – BEN WALKER**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Woodward Jr. to approve the use of facilities for Ben Walker for January 9, 2016 for a public meeting.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

**Report – Fire Chief Gerety**

- Absent
- Report - No report given
- 2016 Elected Officers.
  - Chief: Scott Buffin
  - 1<sup>st</sup> Assistant Chief: Mike Heideman
  - 2<sup>nd</sup> Assistant Chief: Ben Bane
  - Captain: Lee Kistner
  - EMS Captain: Tina Woolley
  - Fire Police Captain: Harold Scribner

**RESOLUTION NO 2015-146**

**LYNDONVILLE FIRE DEPARTMENT ELECTED OFFICERS**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Covell to approve the 2016 Lyndonville Fire Department elected officers as presented.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Complaint letter - Received December 7, 2015  
Depty Mayor Tuk,

I am writing you this letter with concerns over the fire department. Every Tuesday night the volunteers do a great job practicing for emergencies and learning the newest techniques for keeping our community safe. My concern is when they are done. Did you know that after they are done with their weekly meeting they sit around and drink? I understand they like to kick back and get together on more friendlier terms, but there are three problems with this. Number one, is my tax money or my donations or even the money that I spend at their annual gun raffle going to buy beer? I donate money to the fire department for the sake of the community, for equipment or whatever it is that they need to help them help our community. Not so they can get drunk once a week. Number two, it is a public building. Why are they even drinking there? You dont see the librarian downing a Coors Light while she is restocking the shelves or the village hall employees passing around a flask. There is no reason for it. Those firefighters are there to do a job that they decided to volunteer for. If they want to drink they can always meet up at someones house to do it. And what if there is an emergency on one of these nights? Do you think anyone in this community wants a tipsy or slightly drunk person jumping into a huge truck and driving it? I fall and break my ankle and 5 firefighters reeking of beer are going to come to help me? No thank you. And at the end of the night on Tuesday, they all jump into their cars and drive home. It Is like a DWI fest. The very people that have decided to help our town are the very ones putting our families at risk when they decide to have a few beers and drive home. I am asking that this matter is looked into if not stopped all together. Their actions are giving themselves and this community a bad name. Thank you very much for taking time to consider this matter.

A Dissappointed Member of this Communty

Trustee Woodward assured the Board that the statements made in the letter were not true. The Board felt that if someone was going to write that kind of a letter they should have put their name on it especially to be able to respond to the complaint. The Board asked Clerk-Treasurer Woodworth to forward a copy of the letter to the new Fire Chief Buffin and they will address it with him after the first of the year.

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**Report – Code Enforcement**

- Nothing - Clerk-Treasurer Woodworth noted that H.H. Dobbins has called looking for a final inspection to obtain their C of O. Deputy Mayor Tuk noted Curley's building permit has expired as well. Clerk-Treasurer Woodworth presented the Board with the following:

**MUNICIPAL COOPERATION AGREEMENT  
SUPPLEMENTAL ADMINISTRATION OF NYS UNIFORM CODE AND ZONING**

AGREEMENT by and between the Village of Lyndonville, a municipal corporation organized and existing pursuant to the Village Law of the State of New York with offices at 2 South Main Street, Lyndonville, New York (hereinafter referred to as "Lyndonville") and the Village of Medina, a municipal corporation organized and existing pursuant to the Village Law of the State of New York with office at 119 Park Avenue, Medina, New York, (hereinafter referred to as "Medina").

WHEREAS, the parties hereto are responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the "Uniform Code") within each respective municipality and the Zoning Ordinance and regulations adopted by each municipality (the "Zoning Ordinance"), and

WHEREAS, these villages are empowered to enter into a Municipal Cooperation Agreement to provide for supplemental administration of the Uniform Code and its Zoning Ordinance pursuant to Article 5-G of the General Municipal Law of the State of New York; and

WHEREAS, Martin R. Busch serves as the Code Enforcement Officer of the Village of Medina and has received certification, pursuant to 19 NYCRR 434.5, as having successfully completed a certified training program for code enforcement personnel, and

WHEREAS, the Code Enforcement Officer position of the Village of Lyndonville is temporarily vacant, and

WHEREAS, the Villages of Lyndonville and Medina desire to enter into a Municipal Cooperation Agreement whereby Martin R. Busch will render administrative services as Code Enforcement Officer for the Village of Lyndonville during the vacancy of the Code Enforcement Officer position.

NOW, THEREFORE, in consideration of the premises and the mutual promises contained herein, the parties hereto agree as follows:

1. Martin R. Busch will render administrative services as Code Enforcement Officer for Lyndonville during the term of this Agreement.
2. There will be no financial reimbursement for services rendered to the Village of Lyndonville.
3. At all times during the term of this Agreement, Martin R. Busch shall be an employee of the Village of Medina which said Village shall be responsible for all compensation as an employer.
4. Martin R. Busch will render such administration services of the Uniform Code and the Zoning Ordinance as may be necessary, but he will not be obligated to undertake any enforcement proceedings.
5. It is agreed that Martin R. Busch when rendering services pursuant to this Agreement, shall report to the Village Mayor of Lyndonville, as to the issues relative to such administration measures in that municipality for which services are being rendered. Issues relating to compensation and other personnel matters shall be handled by the Mayor of the Village of Medina.
6. Either Village may withdraw from this Municipal Cooperation Agreement upon fifteen (15) days written notice to the other municipal party.
7. This Agreement may be amended or modified by the parties hereto.
8. This Agreement shall be for a term commencing upon full execution of the Agreement and ending on January 31, 2016.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year written opposite their name.

**RESOLUTION NO 2015-147**

**MUNICIPAL COOPERATION AGREEMENT SUPPLEMENTAL ADMINISTRATION OF NYS UNIFORM CODE AND ZONING**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Covell to enter into the said Municipal Cooperation Agreement with the Village of Medina.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

**Report – Attorney Schubel**

- Signs – Attorney Schubel is working on amending the Zoning Local Law on signage and any other changes the Board and Clerk-Treasurer Woodworth can provide.
- Deputy Mayor Tuk asked Attorney Schubel if he would contact the owners of the old Crosby Whipple building to find out what their intention are with the building as they haven't done anything with the building in at least two years. Clerk-Treasurer Woodworth was asked to provide Attorney Schubel with the contact information.

**Report – Clerk-Treasurer Woodworth**

- Lyndonville Central School send a thank you letter for supporting the summer recreation programs.
- Police Report - Confirmed everyone received Officer Larkin's police report.
- Clerk-Treasurer Woodworth noted she's received 35 letters supporting wind turbines.
- Orleans County will take over the Pennysaver Markets property effect March 12, 2016 for back taxes.
- Logics - training is underway with the new software for payroll and Clerk-Treasurer Woodworth will start training for the financial side the week of December 21st

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- Water Works - Clerk-Treasurer Woodworth asked for the Boards approval to pay monthly for the water/sewer billing software since she is not sure when the Village will be switching to the utility billing with Logics. The estimated dates are either March 2016 or June 2016.

**RESOLUTION NO 2015-148**

**WATER WORKS PAY MONTHLY**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Woodward Jr. to approve Clerk-Treasurer Woodworth to start paying Water Works monthly until further notice.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Vouchers – Abstract A7 #10420 - 10475 to be paid

General	\$ 21,937.03
Water	\$ 9,558.49
Sewer	\$ 8,391.79
<b>Grand Total</b>	<b>\$ 39,887.31</b>

**RESOLUTION NO 2015-149**

**VOUCHERS TO BE PAID FOR ABSTRACT A7-2016**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A7 Vouchers #10420 - 10475.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

**Report – Superintendent Woodworth**

- Excused
- Deputy Mayor Tuk noted Superintendent Woodworth is looking into redesigning Veterans Parks, pricing on a new motor for the leaf machine. Also the mixer is in the water tower now and its working good, clean up of sidewalks on West Avenue has been taken care of for now.

**Report – Trustee Tuohey**

- Nothing

**Report – Trustee Woodward Jr.**

- Nothing

**Report – Trustee Covell**

- Nothing

**Report – Deputy Mayor Tuk**

- Deputy Mayor Tuk noted that Jim Simon the newly elected Town of Yates Supervisor was present to see how things are done with the Village. Deputy Mayor Tuk noted a few items that the Village will be getting together with the Town on, water rate agreement, water tower maintenance and proposed combined Town and Village Planning Boards.

**OLD BUSINESS:**

- Employee Handbook - Clerk-Treasurer Woodworth is working on the next section to be approved for the next Board meeting.
- Cats – It was noted by Clerk-Treasurer Woodworth and Attorney Schubel that the cat situation is getting better.

**NEW BUSINESS:**

- Surveillance Cameras - The Board discussed replacing the existing cameras with more high tech ones as well as adding some additional cameras on Main Street and Village owned buildings. Clerk-Treasurer Woodworth has spoken to Bill Belson regarding an update system. Clerk-Treasurer Woodworth was asked to have Clerk PT Nicholson look to see if a grant could be obtained for the updated camera system.
- Johnson's Pond - The Army Corp of Engineers came the Village workshop and presented their intentions with the pond. It was noted by the Board that the Corps intentions weren't exactly what the Board was hoping and looking for. The Board inquired who was the owner of Johnson's Pond, Attorney Schubel noted it was detailed in the abstract of the property and he would look into that.
- Donated Trees - Clerk-Treasurer Woodworth informed the Board that John Hill from West Avenue made a donation to the Arbor Foundation and in return he received several baby trees for his donation. In turn Mr. Hill has donated the baby trees to the Village of Lyndonville just asking that he be informed where the tree have been planted. Clerk-Treasurer Woodworth noted that trees were all planted in Patterson Park for now and will be relocated in the spring to the appropriate locations for their size.
- Sidewalk Contactor - Deputy Mayor Tuk inquired if we have heard anything from Pro Construction. Clerk-Treasurer Woodworth noted there has been no contact.

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- The Board asked Clerk-Treasurer Woodworth to run the employment ad for Code Enforcement again in the Batavia Daily News for three days. She was also asked to see what its costs to run an ad on the Orleans Hub. Clerk-Treasurer Woodworth noted the list of civil service qualified individuals can be obtained from Orleans County Self-Insurance, she will work on that.

**ON MOTION** of Trustee Covell, seconded by Trustee Woodward Jr., to adjourn the meeting at 7:33 p.m.

Vote: 4 Ayes (Covell, Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

*Teri Woodworth*  
Clerk-Treasurer