

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, December 8, 2014 at the Village Hall. Meeting opened at 6:00 p.m.

PRESENT: Mayor: Stephen C. McAvoy
Trustees: Charles Covell
James Tuk
Ellen Tuohey
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Aaron Young
Attorney David Schubel
Fire Chief Jason Gerety
Public: Eric & Alicia Hayes

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr, to accept the minutes of the November 10, 2014 Regular meeting.

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

PRIVILEGE OF THE FLOOR:

- Mr. & Mrs. Hayes expressed their concerns regarding their current water bill of 155,000 gallons. Mr. Hayes stated all toilets and faucets have been checked, dye was used for checking the toilets. Mr. Hayes and Superintendent Woodworth have both checked the meter daily since December 1st and the meter hasn't moved. Superintendent Woodworth stated the meter could be tested however there is a \$75.00 charge to the homeowner for the test. Mrs. Hayes stated they can't afford the bill, they don't wash their cars at home and they in fact turned off the outside faucets in August. The Board asked the DPW to monitor the meter for awhile to watch for any excessive water usage. The Board discussed past excessive water usage forgiveness procedure was to take the last four quarter's average and bill for that. Clerk-Treasurer Woodworth stated the last four quarter average would be 15,000 gallons.

RESOLUTION NO 2014-113

EXCESSIVE WATER USAGE FORGIVENESS

ON MOTION of Trustee Covell, seconded by Trustee Tuohey to give a onetime forgiveness of excessive water usage and charge 44 South Main Street for a four quarter average of 15,000 gallons.

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

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, at 6:28pm to open the Public Hearing for the naming of Creekview Drive.

USE OF FACILITIES

- Fire Hall – Don Goldsmith is requesting use of the Fire Hall on November 29, 2014 from 1:00pm to 5:00pm for a funeral reception. Clerk-Treasurer Woodworth approved this use as there were not conflicts and the use was prior to the next Board meeting.
- Fire Hall – Teresa Carvalho is requesting use of the Fire Hall on January 3, 2015 from 1:00pm to 4:00pm for a baby shower.

RESOLUTION NO 2014-114

USE OF FACILITIES

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to approve the use of facilities for Teresa Carvalho to use the Fire Hall on January 3, 2015 for a baby shower.

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

Report – Attorney Schubel

- The Board asked if Attorney Schubel could have new water agreement drafted by the end of the week. The Board discussed their concerns on the Town of Yates' increased water usage to approximately 45% of the water produced from the water plant. The Board would like to negotiate in 2015 an increase in the Town's contributions towards the Water Tower for maintenance. Attorney Schubel did advise the 1994 Agreement could be amended.

Report – Code Enforcement Young

- Report: Building Permits - 1 - Violation Notice and 1 - Appearance Ticket.

Report – Fire Chief Gerety

- Report - YTD calls – 190, MTD calls – 13, 1 – EMS in Town, 6 – EMS in Village, 1 – MVA in the Town, 1 - MVA in the Village, 1 - Automatic Alarm, 1 - M/A Tanker to Carlton, 1 - M/A FAST to Medina and 1 - M/A Off Road Rescue to Eric County)
- Elections have been held, Chief Gerety will supply Clerk-Treasurer Woodworth with a list of the new officers effective January 1, 2015.

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RESOLUTION NO 2014-115
AUTHORIZING LAYING OUT OF STREET TO BE NAMED AS CREEKVIEW DRIVE

WHEREAS, it was duly proposed at a meeting held on November 10, 2014 that the Board of Trustees of the Village of Lyndonville adopt a resolution for the laying out of a street in said Village, to be known as Creekview Drive, whose proposed course is as follows: twelve feet in width running westerly from the west boundary of Main Street (NYS Route 63) along the north line of lands conveyed to the Village by a deed recorded in the Orleans County Clerk's Office on November 18, 1977 in Liber 390 of Deeds at page 428 for a distance of approximately 108 feet to the northwest corner of the Village's lands by the aforementioned deed, and

WHEREAS, a public hearing having been had on December 8, 2014 after due publication, and no one having appeared at the public hearing, and due deliberation having been had, now therefore, be it unanimously

RESOLVED that a street be, and the same hereby is, laid out which street shall be known as Creekview Drive, being twelve feet in width, running westerly from the west boundary of Main Street (NYS Route 63) along the north line of Village property more particularly described in the deed hereinabove mentioned approximately 108 feet to the northwest corner thereof.

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, at 6:54pm to close the Public Hearing for the naming of Creekview Drive and accept the resolution as stated.

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

Report – Clerk-Treasurer Woodworth

- Time Warner Cable - Clerk-Treasurer Woodworth is waiting on a response from Time Warner Cable regarding the requested refunds.
- Police Report - Confirmed everyone received Officer Larkin's police report.
- Clerk PT Nicholson and Clerk-Treasurer Woodworth are working on files and items that can be destroyed in accordance with New York State MU-1 retention schedule. Clerk-Treasurer Woodworth presented the following documents to be destroyed: Certificates of Liability Insurance 2002 - 2007, Packing Slips from 1996 and Vouchers from fiscal years 2005/2006, 2006/2007 and 2007/2008.

RESOLUTION NO 2014-116
AUTHORIZATION TO DESTROY

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to approve Clerk-Treasurer Woodworth and Clerk PT Nicholson to destroy the certificates of liability insurance 2002 - 2007, packing slips from 1996 and vouchers from fiscal years 2005/2006, 2006/2007 and 2007/2008.

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

- Vouchers – Abstract A7 #2075 - 2137 to be paid

General	\$ 29,031.56
Water	\$ 21,418.60
Sewer	\$ 19,631.50
Payroll	<u>\$ 3,179.33</u>
Grand Total	\$ 73,260.99

RESOLUTION NO 2014-117
VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to have Clerk-Treasurer Woodworth to pay Abstract A6 Vouchers #2075 - 2137.

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

Report – Superintendent Woodworth

- Asbestos investigation quotes - Superintendent Woodworth has only received one quote of \$2,500.00 to investigate for asbestos to begin the process of demolishing the condemned structure at 15 Eagle St. Superintendent Woodworth will try to obtain more quotes.
- Chatfield Engineer's studies - John Paul Schepp has been traveling, Superintendent Woodworth will ask him to attend the next Village workshop to discuss the studies further.
- Christmas in Lyndonville went very well. Superintendent Woodworth noted if the celebration continues to grow as hoped for we may need to look into having electric installed in Veterans Park.

Report – Trustee Tuohey

- Nothing

Report – Trustee Tuk

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- Websites - Trustee Tuk would like to see the Village's audits and Chatfield Engineer's studies put onto the Village's website.

Report – Trustee Covell

- Grant - Trustee Covell inquired if the Fire Department applied for a grant for their desired new fire truck. The Board requested Clerk PT Nicholson do some research to see if there are any grants out there that will assist with the north wall by the dam.

Report – Trustee Woodward Jr.

- Nothing

Report – Mayor McAvoy

- Public Safety - Mayor McAvoy would like a Village Trustee to be our Public Safety representative along with Wes Bradley from the Town of Yates and Danny Woodward Jr. representing the Fire Department to work on a future plan and discussion regarding the necessity of a new fire truck, Trustee Covell volunteered.
- Franchise Agreement - Mayor McAvoy inquired if the franchise agreement with Time Warner Cable will still be valid when they merge with Comcast. Attorney Schubel advised it would be valid and no action would be needed.

OLD BUSINESS:

- Zoning Map - The Board will start the process to amend the 2003 Village Zoning map after the first of the year.

NEW BUSINESS:

- Orleans County Resolution #372-1114 - URGING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO AMEND STATE INSURANCE LAW TO ALLOW SHARED MUNICIPAL HEALTH INSURANCE CONSORTIUMS

WHEREAS, health insurance costs are among the fastest growing costs for local governments across the state; and

WHEREAS, to address this challenge, counties would like the option to create municipal health insurance consortiums to jointly self-fund their health plans at a significantly lower cost for taxpayers; and

WHEREAS, these plans would reduce costs and increase flexibility while ensuring quality coverage for counties, municipalities, and local government employees; and

WHEREAS, many towns would like to become part of a county's self-insured plan; and

WHEREAS, in order to lower health insurance costs for property taxpayers, these consortiums need to be allowed to purchase stop-loss insurance to cover the most serious and costly injuries and sicknesses; and

WHEREAS, Governor Andrew M. Cuomo is strongly encouraging local governments to pool resources, share services and consolidate operations to improve efficiency and reduce costs to taxpayers; and

WHEREAS, whenever two or more local governments want to join forces to provide employee health insurance, Article 47 of the Insurance Law is triggered requiring difficult reserves to be established; and

WHEREAS, the onerous regulations of Article 47 have allowed only one consortium to form since 1991; and

WHEREAS, current State Insurance Law §§ 4237-a and 3231 prohibits local governments with fewer than 50 employees (and 100 employees beginning in 2015) from purchasing stop-loss insurance policies; and

WHEREAS, these State laws represent significant barriers to local government efficiency, shared services and cost savings for property taxpayers; now, therefore be it

RESOLVED, that the Orleans County Legislature does hereby urge Governor Andrew M. Cuomo and the State Legislature to amend State Insurance Law to allow municipalities to join county self-insured programs with adequate and appropriate actuarial safeguards, without triggering Article 47, and also allow county self-insured plans to buy stop-loss coverage for all municipalities within their plan, even those under 50 employees (rising to 100 employees in 2016); and be it

FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator George Maziarz, Senator-Elect Robert Ort, Assemblyman Steve Hawley, Assemblywoman Jane Corwin, NYSAC, InterCounty of Western New York, Orleans County Towns, Villages, and School Districts, and all others deemed necessary and proper.

RESOLUTION NO 2014-118

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Orleans County Resolution #372-1114 - URGING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO AMEND STATE INSURANCE LAW TO ALLOW SHARED MUNICIPAL HEALTH INSURANCE CONSORTIUMS

ON MOTION of Trustee Covell, seconded by Trustee Tuk to support Orleans County Resolution 372-1114.

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

- 1425 North Lyndonville Road - Excessive water usage - Wrote a letter to the Village Board: To the Board, My name is Marcia O'Connor and I live at 1425 North Lyndonville Road Lyndonville. As you know by now I had a bad leak under my trailer that I was not aware of this. My water was shut off. I was sent come angles to help me fix this problem until I can save money to have it fixed properly. The other matter is that I do not have any money for my water bill that has happened because of the leak. I am on disability and only get \$828.00 a month and with that I do not even have that much to buy necessities for the month. I get \$15.00 in food stamps. I am hoping that I can have a forgiveness for this huge bill. Please take this in consideration, otherwise I will not have any water. Thank you for listening to this letter. God Bless Marcia O'Connor. Superintendent Woodworth stated the residence has a low pressure plastic line coming into the trailer that was installed approximately 30 years ago. Clerk-Treasurer Woodworth also noted that the Village is not able to re-levy any unpaid water since the customer is outside the Village. The Board asked Superintendent Woodworth if the customers meter could be monitored daily for a while to ensure this massive a leak doesn't go unnoticed again. The Board also expressed their concerns with a new water service line into the residence be done as soon as possible with fear that winter is just starting and the potential it could happen again.

RESOLUTION NO 2014-119
EXCESSIVE WATER USAGE FORGIVENESS

ON MOTION of Trustee Covell, seconded by Trustee Tuohey to give a onetime forgiveness of excessive water usage and charge 1425 North Lyndonville Road for a four quarter average of 3,000 gallons with the terms that a new water line coming into the residence will be installed on or before January 30, 2015 or the water services will be terminated.

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

- Zoning Board of Appeals Member Rhonda McKinney needs to be un-appointed as the required training was not completed.

RESOLUTION NO 2014-120
UN-APPOINTMENT OF ZONING BOARD OF APPEALS MEMBER

ON MOTION of Trustee Tuk, seconded by Trustee Covell to un-appoint Rhonda McKinney as a member of the Village of Lyndonville's Zoning Board of Appeals.

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

ON MOTION of Trustee Covell, seconded by Trustee Woodward Jr., to adjourn the meeting at 7:52 p.m.

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

Teri Woodworth
Clerk-Treasurer