

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, March 6, 2017 at the Village Hall. Meeting opened at 6:01 p.m.**

|          |                          |                               |
|----------|--------------------------|-------------------------------|
| PRESENT: | Mayor:                   | John Belson                   |
|          | Trustees:                | Andrew Cousins                |
|          |                          | Charles Covell                |
|          |                          | Mary Kage                     |
|          |                          | Danny Woodward Jr. - Absent   |
|          | Clerk-Treasurer          | Teri Woodworth                |
|          | Supt. of Public Works    | Terry M. Woodworth            |
|          | Code Enforcement Officer | Michael Hartman - Absent      |
|          | Attorney                 | Katherine Bogan               |
|          | Fire Chief               | Ben Bane                      |
|          | Public:                  | Carla Woodworth, Vernon Fonda |

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Kage seconded by Trustee Covell, to accept the minutes of the February 6, 2016 Regular meeting.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

**PRIVILEGE OF THE FLOOR:**

- Vernon Fonda - Presented the Board with The Murphy Challenge in honor of United States Navy (Seal) Lt. Michael P. Murphy. The challenge consists of running one mile, 100 pull ups, 100 pushups and 100 squats. Mr. Fonda would like to hold the event after the Memorial Day festivities are complete. Mr. Fonda noted there was a cost of \$250.00 to host the event that would be absorbed by donations so there would be no cost to the Village. Mr. Fonda noted he would be looking for old playground equipment for the pull ups part of the challenge. Attorney Bogan asked that liability insurance be provide prior to the event.

**USE OF FACILITIES**

- Fire Hall - Ben Bane is requesting the use of Fire Hall for a birthday party on April 8, 2017 from 5pm to 10pm.
- Fire Hall - Lyndonville Auxiliary is requesting the use of Fire Hall for a yard sale on April 29, 2017 from 10am to 4pm.
- Veterans Park - Yates Community Library is requesting use of Veterans Park for a performance on August 8, 2017 from noon to 9:00pm.

**RESOLUTION NO 2017-22**

**USE OF FACILITIES – BEN BANE, LYNDONVILLE AUXILIARY AND YATES COMMUNITY LIBRARY**

**ON MOTION** of Trustee Cousins, seconded by Trustee Kage to approve the use of facilities for Ben Bane for April 8, 2017, for Lyndonville Auxiliary for April 29, 2017 and for Yates Community Library for August 8, 2017.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

**Report – Fire Chief Bane**

- Report – 27 Calls for 2017; 11 Calls for January ( 1 - Fast to Medina, 3 - EMS Village, 5 - EMS Town, 1 - MVA Town, and 1 - ATV accident Town)

**Report – Code Enforcement**

- Absent - Report given by Clerk-Treasurer - 1 - Permit issued, 1 - 1203 Inspection (results failed), 4 - Inspections, 4 - Walked the Village

**Report – Attorney Bogan**

- Fire Truck Lease Agreement - Attorney Bogan has reviewed M&T Bank's paperwork for the lease on the fire truck and advised she's okay with Mayor Belson signing the agreement.

**RESOLUTION NO 2017-23**

**M&T BANK LEASE AGREEMENT FOR THE LYNDONVILLE FIRE TRUCK**

**ON MOTION** of Trustee Cousins, seconded by Trustee Covell to authorize Mayor Belson to sign the lease agreement paper work with M&T Bank for the Fire Truck lease.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Sewer Property Tax - Attorney Bogan has spoken Attorney Schubel regarding implementing a sewer property tax and has advised that Village contact Municipal Solutions for further financial guidance.
- Shared Services Agreement with Lyndonville Central School - Attorney Bogan and Superintendent Woodworth presented the Board with a Shared Services Agreement with Lyndonville Central School. Attorney Bogan advised she was okay with the agreement.

**RESOLUTION NO 2017-24**

**SHARED SERVICES AGREEMENT WITH LYNDONVILLE CENTRAL SCHOOL**

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, March 6, 2017 at the Village Hall. Meeting opened at 6:01 p.m.**

**ON MOTION** of Trustee Kage, seconded by Trustee Covell to accept the Shared Services Agreement with Lyndonville Central School.

Vote: 3 Ayes (Belson, Covell, Kage); 0 Nays; 1 Abstain (Cousins)

**Report – Clerk-Treasurer Woodworth**

- Police Report - Confirmed everyone received Officer Larkin's police report.
- Tax Collection Program - Clerk-Treasurer Woodworth presented the Board with a proposal to purchase tax collection software with Logics Solutions. It would communicate directly with the current Logics accounting software making it more efficient for the Clerk-Treasurer. The current tax collection software is with Systems East and the annual cost is \$570.00, Logics has quoted an annual cost of \$600.00.

**RESOLUTION NO 2017-25**

**PURCHASE OF TAX COLLECTION PROGRAM WITH LOGICS SOLUTIONS**

**ON MOTION** of Trustee Cousins, seconded by Trustee Kage to approve the purchase of tax collection software with Logics Solutions for \$600.00 annually.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Special Meeting - Tentative Budget meeting was scheduled for March 27, 2017.
- Planning Board & Zoning Board - Clerk-Treasurer Woodworth inquired if the Village Planning Board was to be paid for meetings in the 2017/2018 fiscal year for budgeting reasons. The Board discussed and agreed that they felt the Planning Board should be compensated \$15.00 per Village Planning Board meetings attended starting June 1, 2017.

**RESOLUTION NO 2017-26**

**COMPENATION FOR THE VILLAGE OF LYNDONVILLE PLANNING BOARD**

**ON MOTION** of Trustee Kage, seconded by Trustee Covell to pay the Village of Lyndonville Planning Board members \$15.00 per Planning Board meeting that is attended starting June 1, 2017.

Vote: 3 Ayes (Belson, Covell, Kage); 0 Nays; 1 Abstain (Cousins)

- Returned Payments Policy - Clerk-Treasurer Woodworth asked the Board to adopt a policy for online payments that are returned payments. Clerk-Treasurer Woodworth noted that has been an issue with a customer who has bounced their online payments three times in the last three months. Attorney Bogan proposed the following policy:

**POLICY FOR ONLINE PAYMENTS FOR VILLAGE SERVICES INCLUDING WATER, SEWER AND PROPERTY TAX PAYMENTS**

**WHEREAS**, the Village of Lyndonville allows residents to pay their water, sewer and real property taxes online; and

**WHEREAS**, at this time resident's payments that are made online for said services are returned for non-payment; and

**WHEREAS**, the Village of Lyndonville is desirous of collecting said sums due and owing to the Village for these services; and

**NOW THEREFORE**, be it resolved that the following policy shall be effective on the date written below as such:

1. Residents who make online payments for any village services, including water, sewer and real property taxes, who have said payments returned by the online service shall be notified of said return by the Village Clerk and the online vendor.
2. Any resident who has two or more returned online payments for these services in a one year period shall not be allowed to make any further payments online. The Village Clerk shall notify the online vendor of same and shall send a notice to the resident that all said payments shall be made directly to the Village Clerk's office by certified check, cash or money order only.

**RESOLUTION NO 2017-27**

**POLICY FOR ONLINE PAYMENTS FOR VILLAGE SERVICES INCLUDING WATER, SEWER AND PROPERTY TAXES PAYMENTS**

**ON MOTION** of Trustee Cousins, seconded by Trustee Covell to adopt the policy for online payments for Village services including water, sewer and property tax payments as it reads.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Returned Payment Fee - Clerk-Treasurer Woodworth asked the Board to consider increasing the returned payment fee from \$20.00 to \$25.00, there is a lot of extra work when a payment is returned.

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**RESOLUTION NO 2017-26**  
**RETURNED PAYMENT FEE**

**ON MOTION** of Trustee Cousins, seconded by Trustee Kage to increase the returned payment fee from \$20.00 to \$25.00 per returned item.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Vouchers – Abstract A9-1 and Abstract 10 #11384 -11441 to be paid

|                    |                     |
|--------------------|---------------------|
| General            | \$ 12,556.20        |
| Water              | \$ 50,299.62        |
| Sewer              | \$ <u>3,942.39</u>  |
| <b>Grand Total</b> | <b>\$ 66,798.21</b> |

**RESOLUTION NO 2017-29**  
**VOUCHERS TO BE PAID FOR ABSTRACT A9-1 AND ABSTRACT A10**

**ON MOTION** of Trustee Cousins seconded by Trustee Kage to have Clerk-Treasurer Woodworth pay Abstract A9-1 and Abstract A10 #11384 - #11441.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

**Report – Superintendent Woodworth**

- Water Tower quotes - Superintendent Woodworth presented the Board with two quotes for an inspection on the Water Tower. He received quotes from Conrady Consulting for \$2,950.00 and Pittsburg Tank & Tower Group for \$1,950.00.

**RESOLUTION NO 2017-30**  
**WATER TOWER INSPECTION - PITTSBURG TANK & TOWER GROUP**

**ON MOTION** of Trustee Covell seconded by Trustee Cousins to approve Pittsburg Tank & Tower Group to inspect the Water Tower for \$1,950.00

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

**Report – Trustee Kage**

- Nothing

**Report – Trustee Cousins**

- Nothing

**Report – Trustee Covell**

- Dam - Trustee Covell inquired where things stand with the DASNY grant for the Dam. Clerk-Treasurer Woodworth will contact DASNY to verify the status of the grant.
- Survey Veterans Park - Trustee Covell asked if we could get the survey of Veterans Park going. Superintendent Woodworth will work on it.
- West Avenue - Trustee Covell inquired if the broken old cones could be removed on West Avenue and wondered if some curbing could be put in going back to the culvert. Superintendent Woodworth will look into it. Mayor Belson noted he will speak with the business owners again about parking on the side of West Avenue near the intersection.

**Report – Trustee Woodward Jr.**

- Nothing - Absent

**Report – Mayor Belson**

- Nothing

**OLD BUSINESS:**

- Water Rate Assessment – Waiting on the inspection of the Water Tower
- Cats - Trustee Kage noted she has been contacted by the family of Mrs Leonard looking for information on shelters that will take more cats. Trustee Kage is working on a flier to be sent out to all residents regarding shelters and spay and neutering programs.

**NEW BUSINESS:**

- Fire Police - Morgan Gerety - Clerk-Treasurer Woodworth presented Morgan Gerety for approval by the Board as a Fire Police for the Lyndonville Fire Department.

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**RESOLUTION NO 2017-31**

**APPROVE MORGAN GERETY AS A FIRE POLICE OFFICER OF THE LYNDONVILLE FIRE CO.**

**ON MOTION** of Trustee Cousins, seconded by Trustee Covell to approve Morgan Gerety as a Fire Police Officer for the Lyndonville Fire Department.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Memorandum of Agreement between Orleans County and the Village of Lyndonville for the Western Orleans Comprehensive Plan Update -

WHEREAS, the Orleans County Legislature authorized a Memorandum of Agreement for the Orleans County Department of Planning and Development to provide staff assistance over a maximum of eighteen months at no charge to the Towns of Ridgeway, Shelby, and Yates and the Villages of Lyndonville and Medina in the update of the Western Orleans Comprehensive Plan, and

WHEREAS, the Towns of Ridgeway, Shelby, and Yates and the Villages of Lyndonville and Medina have agreed to reimburse the County Department of Planning and Development for certain non-labor costs associated with the project including bulk mailing, stationery, printing, labels, and publishing;

NOW, THEREFORE, in consideration of the following mutual agreements and covenants, it is understood by and between Orleans County and the Village of Lyndonville as follows:

1. The term of this agreement is January 1, 2017 through June 30, 2018.
2. The Orleans County Department of Planning and Development (OCDPD) shall provide at no cost to the Village of Lyndonville professional and administrative staff support in preparation of a revised Western Orleans Comprehensive Plan (WOCP). Such support shall include attendance and technical guidance at meetings of the WOCP Advisory Committee, and preparation of programs, agendas and minutes in advance of said meetings.
3. OCDPD shall prepare a resident and landowner survey as deemed acceptable to the WOCP Advisory Committee and shall be responsible for both its distribution to residents and non-resident property owners and tabulation of results.
4. OCDPD shall compose revisions to the WOCP as deemed acceptable to the WOCP Advisory Committee. OCDPD shall be responsible for preparing any of the following content of the WOCP: narratives, tables, charts, graphs, illustrations, photos.
5. The Orleans County Department of Planning and Development (OCDPD) shall prepare and provide invoices to the Village of Lyndonville for proposed expenses related to the revision of the Western Orleans County Comprehensive Plan. These shall include bulk mailing of a survey form to residents and non-resident landowners, paper, envelopes, and printing/publishing costs.
6. Apportionment of costs to the Village of Lyndonville and the four other towns and villages comprising Western Orleans shall be based on the total number of unique tax parcels within the municipality. The total number of unique tax parcels in the Towns of Ridgeway, Shelby, and Yates, shall exclude those parcels within a village or portion thereof.
7. OCDPD shall make all reasonable efforts to obtain the lowest cost for these services and supplies from vendors.
8. Upon receipt of an invoice, the Village of Lyndonville shall make prompt payments, as progress on the project is dependent on receipt of funds to proceed with each task. Instructions for submittal of payment shall be included with each invoice.
9. The Chair and Vice-Chairman of the WOCP Advisory Committee shall be copied on all invoices that are sent to each town and village.

**RESOLUTION NO 2017-32**

**MEMORANDUM OF AGREEMENT BETWEEN ORLEANS COUNTY AND THE VILLAGE OF LYNDONVILLE FOR THE WESTERN ORLEANS COMPREHENSIVE PLAN UPDATE**

**ON MOTION** of Trustee Cousins seconded by Trustee Kage to approve the Memorandum of Agreement between Orleans County and the Village of Lyndonville for the Western Orleans Comprehensive Plan Update Resolution.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Agreement for Diesel Fuel with LCS as follows:

**AGREEMENT FOR DIESEL FUEL**

THIS AGREEMENT, made this \_\_\_\_ day of **March 2017**, by and between the **Village of Lyndonville** with offices at **2 S. Main Street, Lyndonville, New York**, hereinafter referred to as "**Village of Lyndonville**" and **LYNDONVILLE CENTRAL SCHOOL DISTRICT**, with offices at 25 Housel Avenue, Lyndonville, New York, hereinafter referred to as "Lyndonville Central Schools".

**WITNESSETH**

WHEREAS, Lyndonville Central Schools and **Village of Lyndonville** have had discussions concerning entering into an agreement whereby **Village of Lyndonville** would purchase additional diesel fuel under New York State contract price for its vehicles from the Lyndonville Central Schools garage pumps located on Housel Avenue; and

WHEREAS, this agreement would be of benefit to both the Lyndonville Central Schools and **Village of Lyndonville**.

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) each to the other paid, together with the mutual promises and covenants herein contained, the parties agree as follows:

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- (1) Lyndonville Central Schools and **Village of Lyndonville** will enter into a contract for the purchase of diesel fuel under New York State contract price by **Village of Lyndonville** at the Lyndonville Central Schools site located at Housel Avenue.
- (2) The fuel pumps at the Housel Avenue location will remain the sole possessory property of the Lyndonville Central Schools.
- (3) Lyndonville Central Schools shall be solely and completely responsible for the administration and maintenance of this facility, including but not limited to tanks, pumps and any and all other devices or items necessary for the operation of this fuel facility.
- (4) **Village of Lyndonville** will purchase additional fuel at this location at the following rate: The Lyndonville Central Schools price (i.e. the New York State contract price).
- (5) This rate will cover all costs associated with this purchase agreement.
- (6) Lyndonville Central Schools will allow access to these fuel pumps and **Village of Lyndonville** on a five day per week, 7:00am - 3:30pm hourly basis., during school days and on a five day per week, 6:00 am - 12:00 pm hourly basis, during summer months.
- (7) Lyndonville Central Schools will supply any necessary access equipment to allow for a five day per week access.
- (8) Lyndonville Central Schools will supply diesel fuel and the fuel will be winter-blended in the winter months.
- (9) Lyndonville Central Schools will bill **Village of Lyndonville** on a monthly basis and shall submit a voucher that documents the actual fuel usage and cost per month; **Village of Lyndonville** shall then authorize the payment of said bill to Lyndonville Central Schools within 30 days from receipt of the voucher by **Village of Lyndonville**.
- (10) Lyndonville Central Schools shall have a system in effect which can document the exact amount of usage by **Village of Lyndonville** and shall supply and/or make that information available to **Village of Lyndonville** based upon our need to request.
- (11) If there is a fuel spill caused by **Village of Lyndonville** employees while using the Lyndonville Central Schools fuel pump, **Village of Lyndonville** will be responsible for any cleanup costs incurred by the Lyndonville Central Schools.
- (12) The term of this agreement shall commence upon approval of this agreement by the governing bodies of each governmental entity and shall be for a period of five (5) years.. This Agreement shall automatically renew for additional five (5) year terms until terminated by either party.
- (13) Either party upon sixty (60) days written notice may terminate this contract.

- Agreement for Unleaded Gasoline with LCS as follows:

**AGREEMENT FOR UNLEADED GASOLINE**

THIS AGREEMENT, made this \_\_\_\_ day of **March 2017**, by and between the **Lyndonville Central School District** with offices at **25 Housel Avenue, Lyndonville, New York**, hereinafter referred to as "**Lyndonville Central Schools**" and VILLAGE OF LYNDONVILLE, with offices at 2 S. Main Street, Lyndonville, New York, hereinafter referred to as "Village of Lyndonville".

**WITNESSETH**

WHEREAS, Village of Lyndonville and **Lyndonville Central Schools** have had discussions concerning entering into an agreement whereby **Lyndonville Central Schools** would purchase additional gasoline under New York State contract price for its vehicles from the Village of Lyndonville garage pumps located on Main Street; and

WHEREAS, this agreement would be of benefit to both the Village of Lyndonville and **Lyndonville Central Schools**.

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) each to the other paid, together with the mutual promises and covenants herein contained, the parties agree as follows:

- (1) Village of Lyndonville and **Lyndonville Central Schools** will enter into a contract for the purchase of gasoline fuel under New York State contract price by **Lyndonville Central Schools** at the Village of Lyndonville site located at Railroad Avenue.
- (2) The fuel pumps at the Main Street location will remain the sole possessory property of the Village of Lyndonville.
- (3) Village of Lyndonville shall be solely and completely responsible for the administration and maintenance of this facility, including but not limited to tanks, pumps and any and all other devices or items necessary for the operation of this fuel facility.
- (4) **Lyndonville Central Schools** will purchase additional fuel at this location at the following rate: The Village of Lyndonville price (i.e. the New York State contract price).
- (5) This rate will cover all costs associated with this purchase agreement.
- (6) Village of Lyndonville will allow access to these fuel pumps and **Lyndonville Central Schools** on a five day per week, 7:00am - 3:30pm hourly basis.
- (7) Village of Lyndonville will supply any necessary access equipment to allow for a five day per week access.

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- (8) Village of Lyndonville will supply at least 87-grade octane, regular unleaded gasoline.
- (9) Village of Lyndonville will bill **Lyndonville Central Schools** on a monthly basis and shall submit a voucher that documents the actual fuel usage and cost per month; **Lyndonville Central Schools** shall then authorize the payment of said bill to Village of Lyndonville within 30 days from receipt of the voucher by **Lyndonville Central Schools**.
- (10) Village of Lyndonville shall have a system in effect which can document the exact amount of usage by **Lyndonville Central Schools** and shall supply and/or make that information available to **Lyndonville Central Schools** based upon our need to request.
- (11) If there is a fuel spill caused by **Lyndonville Central Schools** employees while using the Village of Lyndonville fuel pump, **Lyndonville Central Schools** will be responsible for any cleanup costs incurred by the Village of Lyndonville.
- (12) The term of this agreement shall commence upon approval of this agreement by the governing bodies of each governmental entity and shall be for a period of five (5) years. This Agreement shall automatically renew for additional five (5) year terms until terminated by either party.
- (13) Either party upon sixty (60) days written notice may terminate this contract.

**RESOLUTION NO 2017-33**

**AGREEMENT FOR DIESEL FUEL WITH LYNDONVILLE CENTRAL SCHOOL**

**AGREEMENT FOR UNLEADED GASOLINE WITH LYNDONVILLE CENTRAL SCHOOL**

**ON MOTION** of Trustee Covell, seconded by Trustee Kage to approve the agreements for Diesel Fuel and Unleaded Gasoline with Lyndonville Central School.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Yates Community Library Agreement as follows:

**AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_ day of **March 2017**, by and between the **Yates Community Library**, a free association library, chartered by the Regents of the State of New York, with offices at **15 North Main Street, Lyndonville, New York**, (hereinafter referred to as "**Library**") and **VILLAGE OF LYNDONVILLE**, a municipal corporation organized and existing under the Village Law of the State of New York with offices at 2 South Main Street, Lyndonville, New York, (hereinafter referred to as "**Village**").

**WITNESSETH**

**WHEREAS**, the Library is in need of snow removal services during the winter months for removal of snow from the Library parking lot and sidewalks serving the Library, and

**WHEREAS**, the Library is in need of lawn mowing services to mow the lawns during the warm weather months located on the Library property, and

**WHEREAS**, the Village is in need of a source of electrical power in order to illuminate the Main Street bridge spanning Johnson's Creek, monument, flag, dam and trees during Christmas in Lyndonville Celebration, and

**WHEREAS**, the Village is willing to provide snow removal services during the winter months and lawn mowing services during the warm weather months upon certain terms and conditions, and

**WHEREAS**, the parties hereto determine it to be in the public interest to reciprocally provide the aforementioned services, **NOW, THEREFORE**, in consideration of the premises, the parties agree as follows:

- (1) The Village shall remove snow from the Library's parking lot and sidewalks during the winter months and shall mow the lawns located on the Library property during the warm weather months.
- (2) The snow removal services and lawn mowing services shall be performed by the Village with use of the Village employees and Village equipment. Such employees shall be considered to be employees of the Village during the course of performing such services and shall be covered under the Workers Compensation Law policy of the Village. Such snow removal shall be done in a fashion substantially similar to that rendered to Village owned parking lots and sidewalks. The Village, does not assume the liability for the sidewalks and parking lot, and the Library shall be responsible for obtaining its own general liability insurance.
- (3) In consideration of the services being rendered by the Village as described hereinabove, the Library shall provide to the Village such electrical connections and electricity as is necessary for the Village to illuminate the Main Street Bridge, monument, Flag, Dam and trees for Christmas in Lyndonville celebration at no cost or expense to the Village for the actual electricity used therefore.
- (4) In addition to the foregoing, the Village waives any water and sewer charges to the Library during the term of this Agreement.
- (5) The term of this Agreement shall commence upon approval of this agreement by the Library and the Village. This Agreement shall automatically renew for additional one (1) year terms until terminated by either party. Either party may terminate this Agreement by thirty (30) days written notice.

**RESOLUTION NO 2017-34**

**YATES COMMUNITY LIBRARY AGREEMENT**

**ON MOTION** of Trustee Covell, seconded by Trustee Cousins to approve the agreement with the Yates Community Library.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

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- Supporting legislation to partially repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 for areas outside of New York City Resolution as follows:

**SUPPORTING LEGISLATION TO PARTIALLY REPEAL THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE) ACT OF 2013 FOR AREAS OUTSIDE OF NEW YORK CITY**

WHEREAS, Senate bill S879B has been introduced to the New York State Senate by Senator Robert Ort, which would repeal part of the New York Secure Ammunition and Firearms Enforcement Act of 2013; and

WHEREAS, this Legislative Body has long advocated for the protection of the rights afforded our citizens under the Constitution, which has for generations guided our Nation and served as a framework to our republic and society; and

WHEREAS, the Second Amendment of the United States provides for the “right of the people to keep and bear arms” and further states that this right “shall not be infringed”; and

WHEREAS, members of the Orleans County Legislature, being elected to represent the people of Orleans County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the Civil Rights Law of the State of New York states in Article 2 Section 4, “Right to keep and bear arms. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed.”; and

WHEREAS, the lawful ownership of firearms is a recreational benefit to our residents through hunting and target shooting, along with an economic and environmental benefit to our region with several locally owned and operated gun/sporting businesses; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement (NY SAFE Act) of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on hunters, sportsmen and legal gun owners, creating a hostile environment both for them and for the sale and manufacture of legal firearms; and

WHEREAS, the legislation unconstitutionally prohibited the sale of firearm magazines with a capacity larger than seven (7) rounds and, those firearm magazines with a capacity larger than seven (7) rounds, which were authorized to be retained by existing owners, could only be loaded with seven (7) rounds and eventually must be permanently altered to only accept seven (7) rounds or be disposed of; and

WHEREAS, the seven round limit contemplated in the legislation was found to be unconstitutional upon judicial review; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed by the residents of Orleans County for the defense of life, liberty and property; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to hunting and target shooting; and

WHEREAS, while there are some areas of the legislation that the Orleans County Legislature finds encouraging, such as the strengthening of Kendra’s Law and Marks’s Law, as well as privacy protections for lawful permit holders, we find the legislation fails to offer little meaningful solutions to gun violence and places undue burdens where they don’t belong, squarely on the backs of law abiding citizens; and

WHEREAS, there are many parts of this legislation that place an unfunded mandate on the local Sheriff Departments, County Clerk’s Office and County Judges, while tax payers are crying out relief; and

WHEREAS, there will be significant financial impact due to the approximately 5,000 Orleans County pistol permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, this legislation effectively treats countless New York State law abiding gun owners as criminals; and

WHEREAS, the enactment of the NY SAFE Act has engendered significant controversy over both the process by which it was enacted and certain provisions contained within; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Orleans County Legislature; and

WHEREAS, this legislative body unanimously voted to oppose the New York Secure Ammunition and Firearms Enforcement Act of 2013 for all reasons stated above in Resolution No. 82-213 of the Orleans County Legislative proceedings of February 13, 2013; now be it

RESOLVED, that the Orleans County Legislature does hereby support Senator Robert Ort’s bill (S879B) to repeal part of the New York Secure Ammunition and Firearms Enforcement Act of 2013, limiting the application of the “S.A.F.E. Act” to the five boroughs of New York City; and be it

FURTHER RESOLVED, that this Legislature supports the introduction of an Assembly bill which calls for the repeal or

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partial repeal of the New York Secure Ammunition and Firearms Act of 2013; and be it

FURTHER RESOLVED, that this legislature supports efforts by the New York State Legislature to remove funds for enforcement of the New York Secure Ammunition and Firearms Act of 2013 from the New York State Budget; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader John Flanagan, Senator Robert Ortt, Speaker of the New York State Assembly Carl Heastie, Assemblyman Stephen Hawley, Assemblyman Mike Norris, New York State Association of Counties, InterCounty of Western New York, all Orleans County Towns and Villages, and all others deemed necessary and proper.

**RESOLUTION NO 2017-35**

**SUPPORTING LEGISLATION TO PARTIALLY REPEAL THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE) ACT OF 2013 FOR AREAS OUTSIDE OF NEW YORK CITY**

**ON MOTION** of Trustee Cousins, seconded by Trustee Covell to support legislation to partially repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) act of 2013 for areas outside of New York City

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

- Urging New York State to fund probation departments and other impacted County departments and agencies the full costs associated with raising the age of criminal responsibility to 18 years of age resolution as follows:  
**URGING NEW YORK STATE TO FUND PROBATION DEPARTMENTS AND OTHER IMPACTED COUNTY DEPARTMENTS AND AGENCIES THE FULL COSTS ASSOCIATED WITH RAISING THE AGE OF CRIMINAL RESPONSIBILITY TO 18 YEARS OF AGE.**

WHEREAS, Governor Cuomo signed Executive Order 131 on April 9, 2014 to establish the Commission on Youth, Public Safety and Justice instructing the Commission to develop a concrete plan to raise the age of criminal responsibility in New York State and make specific recommendations on how the juvenile and criminal justice systems can better serve youth, improve outcomes and protect communities; and

WHEREAS, the Commission completed its report on December 31, 2014 recommending raising the age of criminal responsibility from age 16 to age 18 over a two year period to be completed in a phased in approach; and

WHEREAS, Division of Criminal Justice Statistics reveal the number of arrests among 16 and 17 year olds statewide in calendar year 2015 was 27,281 and that under the proposed change these youth will now be shifted from the criminal courts to local Probation Departments for Intake and Diversion services; and

WHEREAS: The Governor's proposal recommends that the violation level offenses of Harassment, 2nd Degree and Disorderly Conduct shall also be diverted to Probation Departments for Intake and Adjustment services, thus adding substantially to the workload of Probation staff; and

WHEREAS, the Governor's proposal recommends Probation Departments provide a continuum of diversion services that range from minimal intervention for low risk youth and evidence based service for high risk youth; and

WHEREAS, Probation Departments will not be able to absorb the influx of youth requiring Intake and Diversion services at current staffing levels and will require additional staff to perform these duties; and

WHEREAS These added burdens to county Probation Departments come as the state share of probation costs has fallen from 46.5% in 1990 to 9% in 2016; and

WHEREAS, other County Departments and agencies may be similarly affected by the increase in the age of criminal responsibility in areas that range from juvenile detention to community support services, and do not have alternative sources of income to support the cost of additional responsibilities and services, and

WHEREAS, Counties cannot absorb the financial cost associated with raising the age without 100% funding of the additional staff and services required by the Governor's proposal; and

WHEREAS, the funding proposal stipulates that only counties who do not exceed the 2% tax cap and can demonstrate to the Division of Budget that funding related services is a fiscal hardship may apply for a waiver of the local share requirement of an expense otherwise incurred; now therefore be it

RESOLVED, that the Orleans County Legislature insists the State Legislature enact legislation that fully, permanently and unambiguously obligates the State to pay for 100% of all new costs incurred by Probation Departments and other county departments and agencies affected by raising the age of criminal responsibility; and be it

FURTHER RESOLVED, that language be included to set aside designated funds from which Counties can draw, eliminating the need for Counties to exceed their 2% tax cap; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew Cuomo, Senator Ortt, Assemblyman Hawley, Assemblyman Norris, the Senate Majority and Minority Leaders, the Assembly Majority and Minority Leaders, Congressman Collins, New York State Counties and NYSAC.

**RESOLUTION NO 2017-36**

**URGING NEW YORK STATE TO FUND PROBATION DEPARTMENTS AND OTHER IMPACTED COUNTY DEPARTMENTS AND AGENCIES THE FULL COSTS ASSOCIATED WITH RAISING THE AGE OF CRIMINAL RESPONSIBILITY TO 18 YEARS OF AGE.**

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, March 6, 2017 at the Village Hall.  
Meeting opened at 6:01 p.m.**

**ON MOTION** of Trustee Cousins, seconded by Trustee Kage to support urging New York State to fund probation departments and other impacted County departments and agencies the full costs associated with raising the age of criminal responsibility to 18 years of age.

Vote: 3 Ayes (Belson, Cousins, Kage); 0 Nays; 1 Abstain (Covell)

- Supporting an increase in the share of revenue Counties retain for providing State DMV services resolution as follows:

**SUPPORTING AN INCREASE IN THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES**

WHEREAS, in New York State 51 of 62 counties are mandated to operate a local Department of Motor Vehicles (DMV) office; and

WHEREAS, local DMV Offices provide customer service and process many no-fee transactions on behalf of New York State; and

WHEREAS, under current law the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMV's; and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by local DMV offices has increased in the same time period; and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased cost or fees to local residents or taxpayers and will provide counties with the needed revenue to continue to provide necessary local government services; and

WHEREAS, there is a clear inequity present when a county DMV provides all the services including overhead and staffing to fulfill these DMV needs for state residents, yet the State takes 87.3% of the revenue generated from providing said services; and

WHEREAS, the New York State Association of County Clerks strongly supports Bill numbers S1908 and A3397, which would increase the DMV revenue to counties and provide a more equitable share in order to run DMV offices and help offset county property taxes; and

RESOLVED, that the Orleans County Legislature, calls upon Governor Andrew M. Cuomo and members of the State Legislature to support Senate Bill Number S.1908 and Assembly Bill A.3397 that relates to increasing the retention percentage for certain motor vehicle service fees; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Robert G. Ort, Assemblyman Steve Hawley, Assemblyman Michael J. Norris, NYSAC, New York State Association of County Clerks (NYSACC), and all others deemed necessary and proper.

**RESOLUTION NO 2017-37**

**SUPPORTING AN INCREASE IN THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES**

**ON MOTION** of Trustee Kage, seconded by Trustee Covell to support the increase in the share of revenue Counties retain for providing State DMV services.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

**ON MOTION** of Trustee Covell, seconded by Trustee Kage, to adjourn the meeting at 7:12pm.

Vote: 4 Ayes (Belson, Cousins, Covell, Kage); 0 Nays; 0 Abstain

*Teri M. Woodworth*  
Clerk-Treasurer