

Special meeting of the Trustees, Village of Lyndonville was held on Tuesday, April 29, 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
Attorney David Schubel - Absent
Fire Chief Jason Gerety - Excused
Public:

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to open the public hearing of the adoption of a Local Law 2014-3 to override the tax levy limit established in General Municipal Law 3-c at 6:00pm.

PRIVILEGE OF THE FLOOR:

- Nothing

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to close the public hearing of the adoption of a Local Law 2014-3 to override the tax levy limit established in General Municipal Law 3-c at 6:05pm.

ON MOTION of Trustee Covell, seconded by Trustee Woodward Jr., to open the public hearing of tentative budget of the Village of Lyndonville for the fiscal year beginning June 1, 2015 at 6:05pm.

PRESENTATION OF THE 2014-2015 PROPOSED BUDGET

- Mayor McAvoy congratulated and thanked Clerk-Treasurer Woodworth for all her hard work on putting together the 2014-2015 budget.
- Clerk-Treasurer Woodworth explained changes in the proposed budget since the budget workshop meeting:
 - General Fund the Estimated Appropriated Fund Balance was increased from \$20,000.00 to \$40,000.00.
 - General Fund the Fire Protection Services, Other Governments was decreased from \$77,800.00 to \$70,700.00.
 - General Fund the Sales of Equipment was added at \$2,500.00.
 - General Fund the Auditor Bookkeeper was decreased from \$8,500.00 to \$6,000.00.
 - General Fund the Police Personal Services decreased from \$17,650.00 to \$17,390.00.
 - General Fund the Fire NYCLASS Fire Comp Acct was decreased from \$20,000.00 to \$10,000.00.
 - Water Fund the Estimated Appropriated Fund Balance was increased from \$20,000.00 to \$30,000.00.
 - Water Fund the Auditor Bookkeeper was decreased from \$8,500.00 to \$6,000.00.
 - Sewer Fund the Auditor Bookkeeper was decreased from \$8,500.00 to \$6,000.00.
 - Changed the General Fund, Real Property Tax from \$372,225.00 to \$318,392.00. Making the Property Tax rate \$11.156 per 1000.

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk, to close the public hearing of tentative budget of the Village of Lyndonville for the fiscal year beginning June 1, 2015 at 6:27pm.

RESOLUTION 2014-48
TAX CAP OVERRIDE

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to adopt a Local Law 2013-3 to override the tax levy limited established in General Municipal Law 3-c.

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

RESOLUTION 2014-49
2014-2015 BUDGET

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to accept the 2014-2015 proposed budget as written with a 6.95% Tax Increase.

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

USE OF FACILITIES

- Fire Hall – Morgan and Jason Gerety are requesting use of the Fire Hall on May 18, 2014 from 12:00pm to 6:00pm for a baby shower.

RESOLUTION NO 2014-50
USE OF FACILITIES

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ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to approve the use of facilities for Morgan and Jason Gerety to use the Fire Hall on May 18, 2014.

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

- Fire Hall – Lyndonville Sports Boosters is requesting use of the Fire Hall on May 31, 2014 from 10:00am to 2:00pm with rain dates of June 7, 2014 or June 8, 2014 for a car wash.

RESOLUTION NO 2014-51
USE OF FACILITIES

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to approve the use of facilities for Lyndonville Sports Boosters to use the Fire Hall on May 31, 2014 with rain dates of June 7, 2014 or June 8, 2014, contingent on Clerk-Treasurer Woodworth receives a certificate of insurance naming the Village of Lyndonville as additionally insured and that no kids will be permitted past the sidewalk soliciting for the car wash.

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

- Storm Sewer System Engineering Study by Chatfield Engineers, P.C. - The Board discussed some options for residents if the old sanitary sewer has to be shut down due to costly repairs. Chatfield Engineers, P.C. submitted a proposal of \$5,480.00 to prepare and complete a study on the old sanitary sewer.

RESOLUTION NO 2014-52
STORM SEWER SYSTEM ENGINEERING STUDY

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to accept Chatfield Engineer's, P.C.'s quote of \$5,480.00 to prepare and complete the study of the Village's old sanitary sewer on South Main Street.

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

- Superintendent Woodworth proposed the purchase of new Superintendent's truck due to the condition of his existing truck. The 2015 state bid pricing has not been approved at this time however Van Bortel Fleet can provide a quote and if the state bid pricing is less then we be given that price and if it was more then the price given it the quote would be charged.

RESOLUTION NO 2014-53
PURCHASE OF A TRUCK

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to approve the purchase of a new truck for Superintendent Woodworth not to exceed \$26,500.00.

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

- Superintendent Woodworth proposed the purchase of a new Exmark mower, the quote from Gordon-Fisk, Inc. is \$8,330.00.

RESOLUTION NO 2014-54
PURCHASE OF A NEW EXMARK MOWER

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to approve the purchase of a new Exmark mower not to exceed \$8,330.00.

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

- Water Treatment Plant & Waste Water Treatment Plant transmitter equipment - Superintendent Woodworth would like to have transmitter equipment installed to allow for access to monitor the Water Treatment Plant from the Waste Water Treatment Plant. Control Systems Services has quoted \$2,880.00 for the project.

RESOLUTION NO 2014-55
PURCHASE OF TRANSMITTER EQUIPMENT

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to approve the purchase of transmitter equipment and installation from Control System Services not to exceed \$2,880.00.

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

- Chickens in the Village - The Board briefly discussed allowing chickens in the Village and stated they are not in favor of the idea.
- Code Enforcement Officer - Mayor McAvoy would like to appoint Aaron Young as the Village's new Code Enforcement Officer with the following terms:

Special meeting of the Trustees, Village of Lyndonville was held on Tuesday, April 29, 2014 at the Village Hall. Meeting opened at 6:00 p.m.

The Village of Lyndonville is pleased to offer you part-time employment as the Code Enforcement Officer with the Village of Lyndonville with the following terms:

1. **Rate of pay:** \$ 20.00 per hour less applicable deductions.
2. **Mileage:** \$0.50 per mile for weekly Village inspection.
3. **Emergency Call Outs:** Paid at the hourly rate of pay for the number of hours worked as well as \$0.50 per mile from the Village Hall to the location.
3. **Hours of Work:** Approximately 4 hours each week. (Suggested Schedule: Tuesday 9:00am – 1:00pm, day and hours may vary with approval)
4. **Paid Leave:** Part-Time employee's are not eligible for paid holidays or paid vacation, sick or personal leaves. If a holiday should fall on the scheduled work day the employee will work an alternate day that week of their choice.
5. **Duties:**

A. ADMINISTER THE ZONING LAW

The Zoning Enforcement Officer shall review all applications for zoning permits and, if the minimum requirements of this Local Law are met, the Zoning Enforcement Officer shall issue a permit.

If the applicant's plans do not meet the Zoning requirements, the Zoning Enforcement Officer must deny the permit. The Zoning Enforcement Officer may not use discretionary judgment. The Zoning Enforcement Officer must enforce the "Letter of the Law."

B. REFERRAL OF APPEALS TO THE ZONING BOARD

In the event that a applicant for a zoning permit files an appeal from an order, requirement, decision, interpretation or determination issued by the Zoning Enforcement Officer, or an appeal for a variance from the provisions of this Local Law, the Zoning Enforcement Officer shall notify the Chairperson of the Zoning Board of Appeals and shall forward all necessary supporting information and documentation to the Chairperson. The Zoning Enforcement Officer shall attend all Zoning Board of Appeals meetings, compensatory time off shall be taken for attending Zoning Board of Appeals meetings.

C. REFERRAL TO VILLAGE PLANNING BOARD

Any application for a Special Use Permit, change of zoning district or use that requires Site Plan Review shall be forwarded by the Zoning Enforcement Officer to the Chairperson of the Village Planning Board along with all necessary supporting information and documentation.

D. CITING ZONING VIOLATIONS AND ISSUING APPEARANCE TICKETS

1. For any plans, construction, building, use of premise found in violation of this Local Law, the Zoning Enforcement Officer shall order the responsible party, in writing, to remedy the violation(s). He shall have the authority to commence proceedings to punish violations pursuant to Section 108 of Article I of this Local Law.
2. The Zoning Enforcement Officer may enter any premise or building during reasonable hours in the course of his duties in

accordance with State Law after due written notice has been given.

3. The Zoning Enforcement Officer shall be authorized and empowered to issue appearance tickets pursuant to the New York State Criminal Procedure Law.

E. REPORT TO VILLAGE BOARD OF TRUSTEES

The Zoning Enforcement Officer will be required to attend and provide a monthly report to the Village Board of Trustees at the regularly scheduled monthly meetings describing and enumerating actions taken and permits issued shall be given.

F. PUBLIC RECORD

1. The Zoning Enforcement Officer shall file all permit actions with the Village Clerk.
2. The Zoning Enforcement Officer shall maintain a current list and a map depicting the location of non-conforming uses to determine if discontinuance or destruction, or change in use or vacancy has taken place.
3. The Zoning Enforcement Officer shall maintain a current list and a map depicting the locations of variances and special use permits to use to determine compliance with the conditions and safeguards placed on variances and special use permits.
4. When a special use permit is required, the Zoning Enforcement Officer shall not issue a zoning permit unless and until the Village Planning Board approves the special use permit and provides the Zoning Enforcement Officer with a written directive to issue such zoning permit. Any special conditions imposed by the Village Planning Board on the special use permit approved shall be enumerate on the zoning permit.
5. When a variance is required, the Zoning Enforcement Officer shall not issue a zoning permit unless and until the Zoning Board of Appeals approves the variance or variances and provides the Zoning Enforcement Officer with a written directive to issue such zoning permit. Any specific conditions imposed by the Zoning Board of Appeals on the variance(s) granted shall be enumerated on the zoning permit.
6. **Training/Certification:** Must complete the New York State Code Enforcement certification within twelve (12) months from commencement of your employment. Also complete the required annual New York State Code Enforcement training/certification. Any training expenses incurred may be submitted to the Village Board for consideration of reimbursement.
7. **Commencement of employment:** Your employment will commence on 05/05/2014 upon completion of the required employment paperwork and drug testing.

Either you or the Village of Lyndonville may end this contract for any reason by giving ten (10) days advance written notice of termination. In the event cause for termination without notice exists, the Village of Lyndonville may terminate the contract immediately.

RESOLUTION NO 2014-56
CODE ENFORCEMENT OFFICER AARON YOUNG

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to hire Aaron Young as the Village of Lyndonville's new Code Enforcement Officer.

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

- Health Insurance for Non Union Employees - Mayor McAvoy would like to propose that the Village of Lyndonville pay 100% of the Superintendent's health insurance and 85% of the Clerk-Treasurer's health insurance.

RESOLUTION NO 2014-57
HEALTH INSURANCE

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to have the Village of Lyndonville pay 100% of the Superintendent's health insurance and 85% of the Clerk-Treasurer's health insurance effective June 1, 2014.

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

- NFAVO - The Village of Lyndonville is next to host the Northwestern Frontier Association of Village Officials. The Board discussed where they would like to host the meeting at and asked Clerk-Treasurer Woodworth to look into having it at Leonard Oakes Winery on Route 104.
- Clean up Waste Water Treatment Plant - Superintendent Woodworth would like to clean up the Waste Water Treatment Plant since sample testing is now done by an outside lab. He stated some of the equipment is more than 30 years old. The Board asked Superintendent Woodworth into inventory the equipment to be declared excess for approval at a future Board meeting.
- Trustee Covell asked to be excused at the May 7, 2014 Workshop as he will be out of town.

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to adjourn the meeting at 7:48 p.m.

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

Teri Woodworth
Clerk-Treasurer