

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, May 3, 2021 at the Village Hall. Meeting by teleconference via Zoom, the meeting opened at 6:00 PM**

PRESENT: Mayor: John Belson  
 Deputy Mayor: Danny Woodward Jr.  
 Trustees: Anne Marie Holland  
 Kimberly Kenyon  
 Darren Wilson  
 Clerk-Treasurer Teri Woodworth  
 Supt. of Public Works Terry M. Woodworth  
 Code Enforcement Officer Dan Wolfe - Absent  
 Attorney Katherine Bogan  
 Fire Chief Ben Bane - Absent  
 Public – Present:

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Holland seconded by Trustee Kenyon, to accept the minutes of the March 29, 2021 special meeting, April 5, 2021 regular meeting, April 14, 2021 special meeting and the April 26, 2021 special meeting.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

**PRIVILEGE OF THE FLOOR**

- Nothing

**USE OF FACILITIES**

- Nothing

**Report – Code Enforcement Wolfe**

- Mayor Belson confirmed everyone received Code Enforcement Wolfe’s report.
- Mayor Belson noted Code Enforcement Wolfe will be addressing the concerns at 43 Garland in court within the next couple of weeks.
- Trustee Wilson inquired about Code Enforcement Wolfe’s report noting a call to Attorney Bogan. Attorney Bogan explained it was an inquiry if a certificate of occupancy was required for a sale on a duplex.

**Report – Officer Larkin**

- Mayor Belson confirmed everyone received Officer Larkin’s police report.

**Report – Fire Chief Bane**

- Absent - Report given by Clerk-Treasurer Woodworth – 69 Calls for 2021; 20 Calls for April (7 – EMS Town, 4 – EMS Village, 1 – MVA Village, 1 – CO Village, 1 – Fuel spill Village, 1 – Low hanging wire Village, 3 – Mutual Aid (2 – Medina, 1 – Carlton), 1 – Lift assist Town and 1 – Gas grill fire Town)

**Report – Attorney Bogan**

- Attorney Bogan noted she’s working on the easements for The Broadway Group for the Dollar General project.

**Report – Clerk-Treasurer Woodworth**

- Clerk-Treasurer Woodworth inquired with the Board the agreement for the new water line into the Webber Hotel was that Main Street Lyndonville LLC was responsible for the Engineer’s review and materials for the project. Superintendent Woodworth noted he had the plans review by MRB Group and then Main Street Lyndonville LLC changed the plans. Superintendent Woodworth noted the plans have to be approved by the Orleans County Health Department as well. Clerk-Treasurer Woodworth noted the Village received a bill from MRB Group for \$283.50, Blair Supply Corp. for \$1,832.00 for the new water line at the Webber Hotel. Superintendent Woodworth noted there will be an additional bill coming for tapping the line this week. Superintendent Woodworth noted he has concerns that plans were not protecting the Village water system and had concerns of back flowing into the water line so he had MRB Group review the plans. Mayor Belson stated he feels the Village should pay for the engineering costs. Attorney Bogan inquired if the engineers will need to review the new plans. Superintendent Woodworth noted as long as the new plans come back with 6” lines as required for fire flow then there would be no need for further review by MRB Group, the previous plans only had 4” line. Superintendent Woodworth noted they are going to tap and install a 6” line however the service will not be turned on until the proper plans are provided to Superintendent Woodworth and the Orleans County Health Department. Superintendent Woodworth noted if the proper backflow device isn’t used it will cause water to back flow into the Village’s water system. Mayor Belson asked Clerk-Treasurer Woodworth to hold the engineering fee and the materials bill for another month before billing Main Street Lyndonville LLC.
- Clerk-Treasurer Woodworth presented the Board with the budget to actual report as of April 30, 2021.
- Budget Transfers

<b>Budget Transfers – May 2021</b>			
<b>Account Number</b>	<b>Account Name</b>	<b>Increase</b>	<b>Decrease</b>
A0-3410-491	Fire.Truck Maintenance	\$1,177.13	
A0-3410-493	Fire.Truck Maintenance.Pump Maintenance		\$1,177.13

**RESOLUTION NO 2021-39**  
**BUDGET TRANSFERS**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Holland, to authorize Clerk-Treasurer Woodworth to make the presented budget transfers.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

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- Clerk-Treasurer Woodworth informed the Board the ad for the Clerk Part-Time will be running again on the Orleans Hub and the Lake Country Pennysaver for the next two weeks. Clerk Treasurer Woodworth noted two applications have been received and one more is coming for the Clerk Part-Time position. Trustee Holland inquired what the process was for hiring. Clerk-Treasurer Woodworth noted the Clerk Part-Time position is by the Clerk-Treasurer's appointment. Clerk-Treasurer Woodworth asked Trustee Holland to be part of the Clerk Part-Time interview process.
- Vouchers – Abstract A11-1 – A12 # 15113 – 15191 to be paid

General	\$ 13,052.26
Water	\$ 5,169.30
Sewer	\$ 4,823.36
<b>Grand Total</b>	<b>\$ 23,044.92</b>

**RESOLUTION NO 2021-40**

**VOUCHERS TO BE PAID FOR ABSTRACTS A11-1 – A12**

**ON MOTION** of Trustee Wilson, seconded by Trustee Kenyon, to have Clerk-Treasurer Woodworth pay Abstracts A11-1 – A12 # 15113 – 15191.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

**Report – Superintendent Woodworth**

- Sidewalks – Superintendent Woodworth noted he hoping to start next week and to be done by the end of May.
- Flush Hydrants – Superintendent Woodworth they will be flushing hydrants outside of Village this week and in the Village next week. Superintendent Woodworth noted 18 hydrants are going to be tested for fire flow as part of finishing up the ISO for the Fire Department.
- Water leak on Housel Avenue – Superintendent Woodworth noted a water leak was found in the line to cemetery on Housel Avenue. Superintendent Woodworth thanked the Town of Shelby and the Town of Carlton for helping locate and assist with the repair. Trustee Wilson inquired approximately how much water loss was the leak. Superintendent Woodworth estimated approximately 20,000 gallons per day was lost. Superintendent Woodworth noted it was a difficult leak to find since the water wasn't coming to the surface the water was finding a storm drain.

**Report – Trustee Kenyon**

- Nothing

**Report – Trustee Woodward Jr.**

- Nothing

**Report – Trustee Holland**

- Trustee Holland expressed concerns regarding cats in the community. Mayor Belson noted Trustee Holland can take a look at what has been done in the past. The Board asked Clerk-Treasurer Woodworth to send out the cat flier with the Water Quality reports.

**Report – Trustee Wilson**

- Trustee Wilson noted the Lyndonville Area Foundation give \$5,000.00 to the Lyndonville Fire Department toward their turnout gear cost of approximately \$16,000.00.
- Trustee Wilson inquired about how murals work in the Village of Medina, how does it work and who pays for it. Attorney Bogan explained how it works in the Village of Medina. The Board discussed the options of seeing a historic mural on the building.

**Report – Mayor Belson**

- Mayor Belson asked Attorney Bogan if the Village needs to look into allowing or not allowing the sales of marijuana in the Village. Attorney Bogan explained the Governor Cuomo allowed the Village and Towns to decide if they want to allow marijuana sales establishments in the Village or not. Attorney Bogan noted the Village has until the end of the year to decide if the Village wants to opt out. If the Village was to opt in the Village would get 3% of the sales tax. Mayor Belson advised the Board it needs to be researched and looked into further.

**OLD BUSINESS:**

- Use of Facilities – Rental/Cleaning fee for the Fire Hall – The Board discussed looking into a cleaning service once the Fire Hall is reopened for use. Attorney Bogan noted an RFP can be put out for cleaning services and to know it would be on call since the events would be randomly scheduled. Trustee Woodward Jr. noted he's against reopening the Fire Hall rental use due to past problems.
- Water Rate Agreement – Work in progress.

**NEW BUSINESS:**

- 2021-2022 Tax Warrant - To Teri M. Woodworth Village Clerk-Treasurer

YOU ARE HEREBY COMMANDED to receive and collect from the several persons named in the tax roll here unto annexed, the sum stated in the last column hereof opposite their names, being a total of \$477,430.00 for the following purposes:

For the Current Budget \$ 1,327,131.00

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YOU ARE FURTHER COMMANDED to receive and collect such sum without additional charges between the first day of June and the first day of July 2021 both inclusive; and thereafter to collect with such of the sums as have not been theretofore collected, an additional charge of five per centum for the first month or fraction thereof, and one per centum for each month until paid.

YOU ARE FURTHER COMMANDED to return the tax roll and warrant to the Village Clerk on or before the first day of November, 2021, and to deliver to the board of trustees at the same time an account of the taxes remaining due and unpaid; describing each parcel of real property upon which taxes are unpaid, showing the person or persons to whom the parcel is assessed and showing as to each parcel the amount of tax unpaid.

**RESOLUTION NO 2021-41**  
**2021/2022 TAX WARRANT**

**ON MOTION** of Trustee Woodward Jr., seconded by Trustee Holland, to accept the 2021/2022 Tax Warrant as it reads.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Year End Meeting – The Board set the 2020/2021 Year End meeting for May 24, 2021 at 2:30pm.
- Planning Board Alternate – Mayor Belson asked the Board for approval on appointing Terry Stinson as the alternate to the Village Planning Board.

**RESOLUTION NO 2021-42**  
**APPOINTMENT – PLANNING BOARD ALTERNATE – TERRY STINSON**

**ON MOTION** of Trustee Wilson, seconded by Trustee Kenyon, to appoint Terry Stinson as an alternate to the Village Planning Board with a term to expire on April 6, 2026.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Mobile Food Truck – Mayor Belson noted the Village has not received the Site Plan Review from Mr. Smith for 29 South Main Street yet. Mayor Belson noted this won't be happening in May as the Site Plan Review will need to go to the Village Planning Board first and then to the Orleans County Planning Board for review and approval as well. Mayor Belson noted the Village has not set the fee schedule for the Mobile Food Truck local law. Attorney Bogan inquired where the mobile food trucks would be. Mayor Belson noted on the corner of Eagle Street and Main Street. Attorney Bogan inquired if there would be enough space for the two parking spots on the property as required in the mobile food truck local law. Mayor Belson noted he believes so. Mayor Belson suggested \$20.00 per day for the first 4 to 8 days and then \$150.00 after that. Trustee Wilson noted he was thinking \$25.00 for the first 5 days in a calendar year and then \$100.00 annual fee after that for as many days as they want. Attorney Bogan noted the local law needs to be followed. The Board reviewed the local law. The Board noted the mobile food truck cannot be stored and parked at the location when not in operation and the hours of operation are not before 9:00am and after 11:00pm. Trustee Wilson inquired about the 90 days section of the local law. Attorney Bogan explained that if the mobile food truck was to get a license and not do anything in three months it would need to get a new license. Trustee Holland mentioned she believes Mr. Smith is looking to have the mobile food trucks from May to September. Trustee Wilson noted he believes it's like 9 to 10 Fridays Mr. Smith is looking to do. The Board discussed annual, monthly and daily fees. Attorney Bogan advised not to set an annual fee. Mayor Belson noted we need to be sensitive to the existing businesses in the Village. Attorney Bogan inquired what other Village's charge. Clerk-Treasurer Woodworth explained the Village of Middleport has no regulations or fees, the Village of Holley charges \$300.00 per day on private property, not allowed on Village property, the Village of Medina charges \$25.00 per on Village property, the Village of Albion charges \$100.00 for 1-7 days, \$250.00 for 8 days up to 6 months and \$500.00 for 6 months to a year.

**RESOLUTION NO 2021-43**  
**MOBILE FOOD TRUCK FEE SCHEDULE**

**ON MOTION** of Trustee Belson, seconded by Trustee Wilson, to set the Mobile Food Truck fee schedule as \$25.00 per day.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

**ON MOTION** of Trustee Wilson, seconded by Trustee Woodward Jr., to adjourn the meeting at 6:49PM.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

*Teri M. Woodworth*  
Clerk-Treasurer