

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, June 8, 2015 at the Village Hall.
Meeting opened at 6:00 p.m.**

PRESENT: Mayor: Stephen C. McAvoy
Trustees: Charles Covell
James Tuk
Ellen Tuohey - Absent
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 - Absent
Public:

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Covell, to accept the minutes of the May 11, 2015 Regular meeting.

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

PRIVILEGE OF THE FLOOR:

- Nothing

USE OF FACILITIES

- Fire Hall – Lyndonville Baseball League is requesting use of the Fire Hall on June 20, 2015 from 12:00pm (noon) to 4:00pm for a car wash.
- Veterans Park – Yates Community Library is requesting use of Veterans Park on June 22, 2015, July 9, 2015, July 16, 2015, July 20, 2015, August 3, 2015 and August 17, 2015 for concerts in the Park.

RESOLUTION NO 2015-77

USE OF FACILITIES - LYNDONVILLE BASEBALL LEAGUE AND YATES COMMUNITY LIBRARY

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to approve the use of facilities for the Lyndonville Baseball League for June 20, 2015 and the Yates Community Library for June 22, July 9, July 16, July 20, August 3 and August 17, 2015.

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

Report – Fire Chief Gerety

- Absent: Clerk-Treasurer Woodworth gave Report - YTD calls – 86, MTD calls – 17 (4 – EMS in Village, 5 – EMS in Town, 1 - MVA in the Village, 1 - M/A to Carlton, 3 - M/A FAST to Medina, 1 Structure Fire in the Town and 2 – Hazardous Condition)
- Members drug and alcohol testing results - Clerk-Treasurer still has not received the results for the last four new members. Clerk-Treasurer Woodworth contacted WorkFit Medical and they forwarded over a form for the Village to use to fax to them requesting the drug and alcohol testing. All new members information must be provided to Clerk-Treasurer Woodworth who will be requesting the testing. Clerk-Treasurer Woodworth will be sending over the request forms for the last four new members to be tested as soon as possible.

Report – Code Enforcement Young

- Report: 2 -Building Permit and 1 - Certificates of Occupancy.
- Friday will be working on getting the vacant properties mowed.

Report – Attorney Schubel

- 261 North Main Street - Attorney Schubel is working on the lawsuit for the tree removal costs.
- Planning Board - Attorney Schubel contacted James Bensley, Interim Director of the Orleans County Department of Planning and Development regarding shared services with the Town of Yates Planning Board acting as the Village Planning Board as well. Director Bensley is in favor of the idea however he been extremely busy and hasn't been able to look into it further. The Board is in favor of using the Town of Yates Planning Board and not the Village's Zoning Board of Appeals Board.
- Local Law 1987-1 - Attorney Schubel is working on a draft of some changes to this local law.
- Local Law 2010-3 - Residency requirements for certain positions. Attorney Schubel is drafting up the changes with making the residency requirement within the Town's of Carlton, Gaines, Ridgeway, Shelby and Yates. Attorney Schubel advised that a time limit to relocate should be done at the time of appointment if necessary.
- Yates Residents on Village water - Attorney Schubel will draft an agreement for the Town of Yates to relevy any unpaid water bills outside of the Village on the Town tax bills.
- Village of Albion Fire Truck - Mayor McAvoy asked Attorney Schubel if he could look into who wrote the specs for the new fire truck for the Village of Albion. Clerk-Treasurer Woodworth mentioned she had a copy of the specs she would forward to Attorney Schubel.

Report – Clerk-Treasurer Woodworth

- Police Report - Confirmed everyone received Officer Larkin's police report.
- Orleans County Legislature Letter -

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Village of Medina
Board of Trustees
600 Main St. - Medina, NY 14103

To The Medina Village Board:

Orleans County is in receipt of Resolution No. 2 of April, 2015. Thank you for passing along what appears to be the collective opinion of the Village of Medina Board of Trustees.

After reading the resolution, it is clear that there are a number of misconceptions and factual errors that the county can help address to better inform the community about the issues raised in the resolution. The purpose of this communication is to address those issues in hopes of once again opening the door to a larger conversation about cooperation, shared services and innovative service delivery models across the county. This letter will identify statements directly from the resolution and address them one by one.

"WHEREAS, all municipalities should fairly share the benefit from the growth in the sales tax revenue in good economic times, and have fairly shared the burden from declining county sales tax revenue during difficult economic times;"

This statement assumes that the current sharing formula is unfair and pre-supposes that this assumption is self evident. It is not. In fact, when examining statistics from 2013 on New York State Counties there are fourteen counties under 50,000 in population like Orleans County and four in the Finger Lakes Region of which we are a part. Orleans County ranks as the fourth highest for the percentage of sales tax shared. However, two of the fourteen counties have cities (Cortland and Montgomery) that are able to preempt and capture much larger shares of the overall revenue. Dropping those two counties lifts Orleans County to number two in the state among small counties without a city in terms of sharing sales tax, second to Schuyler County, the home of Watkins Glen International Speedway.

Delving further into those same statistics, it's evident that eight of the fourteen counties do not share sales tax revenue at all, zero percent. So, the majority of small counties in New York State do not share sales tax. Orleans County is the only county in the Finger Lakes Region under 50,000 in population that does share sales tax revenue.

The statement that *"all municipalities have fairly shared the burden from a declining county sales tax growth"* is not factual either. In reality, Orleans County missed the budget number in 2013 by \$363,831.94, 2010 by \$325,527.16 and 2009 by \$522,035.79, yet the amount shared with the towns and villages remained unchanged. Villages and towns in fact faced none of the burden of faltering sales tax revenue.

Another relevant fact is that when villages and towns around the county have uncollectible real property taxes, it is the county that also assumes the burden of paying the real property taxes to the villages and towns, making them whole as the county works to return the property to the tax rolls and assumes any losses that may result.

Furthermore, Orleans County assumes the burden of the local share of community college charge backs which is identified as a town expense by state statute. The community college expense has grown at a breathtaking pace over the last decade from \$694,823 in 2005 to \$1,664,475 in 2014, an expense absorbed solely by Orleans County. The county assumes the full of the burden in all three instances.

"WHEREAS, the Governor and the New York State Legislature enacted a property tax cap of two percent (2%) in 2011 for all local governments without any mandate relief, adding to the difficulty for local government to meet its fiduciary obligations;"

This statement certainly applies to county government as the main provider of state mandated human services programs. It is less clear what significant mandates that a village faces as it is voluntary by nature, formed by the citizenry. Aside from commitments to the New York State Retirement system, the county is not aware of other mandates faced by the Village of Medina. Additionally, the retirement system has seen some significant reform packaged as mandate relief that sets the table for long term savings. The county by contrast saw brutal growth of eight major state mandated human services programs of 48% or \$5.9 million over the ten year period between 2005 and 2014 outpacing the growth of sales tax over the same period by \$255,172.77.

In addition, your proposal to change the sales tax sharing formula has significant implications to the county tax cap availability, cutting in half for a decade. This hardly seems appropriate for the municipality bearing the vast majority of state mandates in support of the community, to face the additional fiscal stress requested.

"WHEREAS, the sales tax revenue distribution formula as enacted by the county, disproportionately impacts all villages and towns, and has resulted in many municipalities having to cut services and increase property tax levy to offset loss of County sales tax revenue, and, in many cases require municipalities to override the mandatory two percent (2%) tax cap;"

It is not clear how the formula in question can disproportionately impact every town and village at once or how slight adjustments in a municipality's share of sales tax can have such catastrophic results as described. Further, the idea that service cuts, property tax increases and overrides are somehow a direct result of the sales tax sharing formula is an acrobatic conclusion to draw.

Additionally, town and county taxes are presented on the same bill, how does moving revenue from one section of the bill to another actually provide a benefit to the taxpayer? It certainly does not present the taxpayer a financial advantage to adjust the percentage paid from one municipality to another. Isn't that the purpose of fundamental changes like this?

Orleans County has cut spending by 19.4% between 2014 and 2015 and divested or cut the Certified Home Health Agency, the Continuing Day Treatment Program and the Villages of Orleans (county nursing home). Further, the county reduced total staff by 221 positions or 34.6% of all positions. There is a constant evaluation of our operations and commitments to determine their viability. There is no municipality in this county more seriously impacted by service cuts than the county and it isn't close. Orleans County has taken these challenges very seriously and has met them head on in a way that has distinguished us from our peers as one of the Top Five Best Run Counties in New York State according to an article in the New York State Bar Association publication Municipal Lawyer.

Once again the county sincerely stands ready to open the door to a larger conversation about cooperation, shared services and innovative service delivery models that provide taxpayers of this county from all municipalities the best, most competent and most efficient government that we can provide for their investment in us. The county looks forward to a productive, respectful and cordial working relationship with the Village of Medina and all Orleans County municipalities in the future.

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Sincerely,

The Orleans County Legislature

- Town of Carlton Resolution - Nora Initiative in supporting Congressman Collins fight against IJC Plan 2014

WHEREAS, In June of last year, the International Joint Commission introduced Lake Ontario St Lawrence River Plan (Plan 2014); and

WHEREAS, the U.S. Department of State is currently conducting and inter-agency review of Plan 2014, seeking information specifically from the Environmental Protection Agency, the Army Corps of Engineers and the Department of Transportation; and

WHEREAS, Plan 2014 will have a devastating impact on the communities along the Lake's southern shoreline. The Plan will increase the frequency of raising and lowering the water levels in Lake Ontario. The fluctuation in water levels will result in increased erosion damage to the shoreline, including the properties of businesses and homeowners; and

WHEREAS, Plan 2014 would also raise the current water maximum by 2.4 inches and will increase the annual cost of shoreline maintenance and protections by 13 percent. The plan offers no means of compensation to the stakeholders who will be negatively impacted by this man made property damage; and

WHEREAS, the 11C received over 5,000 letters from organizations and constituents opposing the plan, yet the DC has done nothing to address the negative impacts that increasing frequency of water level fluctuation will have on these communities; and

WHEREAS, the Plan spans six counties in Upstate New York and would cause damage to land assessed at nearly four billion dollars; and

WHEREAS, U.S. Representatives Chris Collins (NY-27) and John Katko (NY-24) jointly sent a letter to the House Committee on Appropriations Subcommittee on State, Foreign, Operations and Related Programs requesting language be included in the House Budget preventing any use of federal funding to implement LTC. Plan 2014; now be it

RESOLVED, that the Town Board of the Town of Canton supports NORA's initiative in supporting Congressman Collins fight to eliminate the 11C's ability to implement Plan 2014 which will provide certainty to the communities who have seen repeated efforts by the LTC to disrupt the current shoreline protections; and now be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to the International Joint Commission, the New York Department of State, the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Secretary of State John Kerry, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congressman Chris Collins, Governor Andrew M. Cuomo, Senator Robert Om, Assemblyman John D. Ceretto, Assemblyman Steve Hawley, Assemblywoman Jane Corwin, Senate Environmental Conservation Committee Chairman Thomas O'Mara, Assembly Environmental Conservation Committee Chairman Steven Englebright, EPA Region II Administrator Judith Erick, Orleans County Legislature Chairman David Collard, Niagara County Legislature Chairman William L. Ross, NYSAC, Intertown of Western NY, Towns in Orleans County, and all others deemed necessary and prom.

Resolved by the Town of Carlton this 12th day of May, 2015

- County Resolution - Orleans County is looking for support on applying for a local government efficiency grant to study how police services can best be provided in Orleans County.

RESOLUTION NO 2015-78

RESOLUTION SUPPORTING ORLEANS COUNTY TO APPLY FOR A LOCAL GOVERNMENT EFFICIENCY GRANT TO STUDY HOW POLICE SERVICES CAN BEST BE PROVIDED IN ORLEANS COUNTY

WHEREAS, Villages in Orleans County face extreme fiscal pressures resulting in rising tax rates, worsening financial condition and declining assessed values; and

WHEREAS, the County of Orleans has expressed an interest in helping to explore innovative solutions to assist the villages with stabilization and revitalization; and

WHEREAS, law enforcement responsibilities are a significant burden assumed by the villages and exploration of new and innovative ideas could bring a significant benefit to village and county residents; now therefore be it

RESOLVED, that the Village of Lyndonville Board of Trustees supports the county taking the lead in applying for a Local Government Efficiency Grant to study the matter more thoroughly; and be it

FURTHER RESOLVED, that the Village of Lyndonville Board of Trustees authorizes and directs the Chief of Police and other necessary personnel to cooperate with the information gathering process to see the grant application process and the study to a successful outcome.

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr.

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

- Records Destruction Authorization - In accordance with current records retention schedules, as per the MU-1 Retention Schedule created by the University of the State of New York- State Archives and Records Administration (SARA). The recorded list below may be scheduled for destruction.

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Description of Records	Dates	Abstract #	Voucher #'s	Missing #
Voucher Files	6/1/2008 - 5/31/2009	A-1	11041-11079	11045
Voucher Files		A-2	11080-11143	11083-11085
Voucher Files		A-3	11144-11203	
Voucher Files		A-4	11204-11256	
Voucher Files		A-5	11255-11318	11319-11320
Voucher Files		A-6	11321-11387	
Voucher Files		A-7	11388-11452	
Voucher Files		A-8	11453-11527	
Voucher Files		A-9	11528-11584	
Voucher Files		A-10	11518-11581	
Voucher Files		A-11	11582-11649	11625-11626
Voucher Files		A-12	11660-11725	11714-11715

**RESOLUTION NO 2015-79
AUTHORIZATION TO DESTROY - FISCAL YEAR 2008/2009**

ON MOTION of Trustee Tuk, seconded by Trustee Covell to approve Clerk-Treasurer Woodworth and Clerk PT Nicholson to destroy the vouchers from fiscal year 2008/2009.

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

- Shredder - Clerk-Treasurer Woodworth's shredder is no longer working the gear inside split. She requested permission to declare it surplus and dispose of it in the e-waste shed.

**RESOLUTION NO 2015-80
SURPLUS EQUIPMENT - SHREDDER**

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to declare Clerk-Treasurer Woodworth's shredder surplus and to dispose of it at the e-waste shed.

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

- Vouchers – Abstract A12-2 #2536 - 2546 to be paid

General	\$ 6,320.83
Water	\$ 551.19
Sewer	\$ 156.98
Grand Total	\$ 7,029.00

**RESOLUTION NO 2015-81
VOUCHERS TO BE PAID FOR ABSTRACT A12-2-2015**

ON MOTION of Trustee Covell, seconded by Trustee Tuk to have Clerk-Treasurer Woodworth to pay Abstract A12-2 Vouchers #2536-2546.

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

- Vouchers – Abstract A1 #10001 - 10021 to be paid

General	\$ 14,661.81
Water	\$ 9,750.20
Sewer	\$ 10,204.53
Grand Total	\$ 34,616.54

**RESOLUTION NO 2015-82
VOUCHERS TO BE PAID FOR ABSTRACT A1-2016**

ON MOTION of Trustee Tuk, seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A1 Vouchers #10001 - 10021.

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

- KVS - Clerk-Treasurer Woodworth is now on the new KVS database.

Report – Superintendent Woodworth

- North Wall - Superintendent Woodworth is meeting with a mason tomorrow regarding rebuilding the north wall that collapsed into the Creek this winter with hopes that repair can be done before the Fourth of July.
- Dam - The Board would like to review that last proposal from Chatfield Engineers P.C on repairing the flood gates on the north wall. Superintendent Woodworth will talk with John Paul Schepp and have him come to the next workshop to discuss things further.

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- Water Tower - Superintendent Woodworth inquired if the Board wants to move forward with an asset management company to take over the Water Tower or just look into having a mixer installed. He noted it may be the time to paint the interior while the tank is drained to install the mixer.
- 15 Eagle Street - Demolition should be next week.
- Deaf Person Sign - Superintendent Woodworth has the sign and will get it put up.
- High water bills forgiveness policy - Superintendent Woodworth recommended the Village adopting a policy if they are going to continue to grant forgiveness.
- Fourth of July preparations are under way.

Report – Trustee Tuohey

- Absent

Report – Trustee Tuk

- Alcohol in the Fire Department - Trustee Tuk presented the Board with a picture of a keg of beer and a refrigerator tap system for a keg and asked why such things are in the Lyndonville Fire Department. He stated its Village owned property and there is no reason to have alcohol in the Fire station. He inquired who would be responding to calls if they were consuming alcohol. Mayor McAvoy stated he will contact Chief Gerety first thing in the morning to have the alcohol removed.
- New Fire Truck - Trustee Tuk would like to see a copy of the call out procedure as to what fire truck is dispatched based on the type of call. He also inquired if Lyndonville 10 goes down fire lanes. Trustee Woodward Jr. advised that Lyndonville 10, 66 and the Ford Explore would be replaced by the proposed new fire truck. Trustee Woodward Jr. also mentioned Lyndonville 10 responds to calls for wires down, fires, fire lanes and is a basic fill in truck. Mayor McAvoy and Trustee Tuk both requested that a professional assessment be done to Lyndonville 10 to determine if the truck should be repaired and kept or sold. The Board requested that Superintendent Woodworth put the call in for the professional assessment since the Village of Lyndonville owns the truck.
- Executive Session - Trustee Tuk requested to go into executive session to discuss a personnel matter

RESOLUTION NO 2015-83

EXECUTIVE SESSION - TO DISCUSS A PERSONNEL MATTER

ON MOTION of Trustee Tuk, seconded by Trustee Covell to go into Executive Session to discuss a personnel matter.

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

No Action was taken

RESOLUTION NO 2015-84

EXECUTIVE SESSION

ON MOTION of Trustee Tuk, seconded by Trustee Covell to close the Executive Session regarding a personnel matter.

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

Report – Trustee Woodward Jr.

- Trustee Woodward Jr. is working with Chief Administrative Officer Chuck Nesbitt of the Orleans County Legislative Offices on the County assisting the Village with obtaining a newer police car. CAO Nesbitt does have a patrol car that they will be getting rid of. He has sent it to the County's mechanic to do up a report on the car prior to any negotiation. Trustee Woodward Jr. hasn't received the mechanics report yet, he'll continue to work with CAO Nesbitt.
- Fire Department Agreement - Clerk-Treasurer Woodworth provided the Board with the Safety Committees proposed changed to the Town of Yates, Village of Lyndonville and Lyndonville Fire Department agreement. The Town of Yates and Village of Lyndonville Boards will review and advise of any changes and look to approve in July.

Report – Trustee Covell

- North Wall - Trustee Covell noted he's glad to see the Village taking action on the north wall repair.

Report – Mayor McAvoy

- Orleans County Chamber of Commerce - Mayor McAvoy asked Attorney Schubel if he saw a reason for the Village to be members of the Orleans County Chamber of Commerce. Attorney Schubel advised there was no need to have the membership, it use to be useful in the past. Clerk-Treasurer Woodworth will void voucher 100015 for the membership dues.
- Fluoride - Mayor McAvoy mentioned the recent letter from the Health Department and their position on the fluoride levels in water. Superintendent Woodworth advised the Village is in compliance with the recommendation.
- COVA letter - Mayor McAvoy mentioned a letter he received from COVA regarding an open house.
- Fire Department Family Members riding in Fire Trucks at parades in Lyndonville - The Lyndonville Fire Department members would like to have their family members be allowed to ride in the fire trucks during the parades here in Lyndonville on Memorial Day and the Fourth of July. Clerk-Treasurer Woodworth is working with Tompkins Insurance to obtain approval and a waiver to be signed by the family members. The Board asked

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that the same stipulations be added that were put in place when the ride to school in the fire truck was approved during fire prevention week.

RESOLUTION NO 2015-85

LYNDONVILLE FIRE DEPARTMENT MEMBERS FAMILY MEMBERS RIDE IN TRUCKS FOR PARADES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to approve Lyndonville Fire Department members guests to ride in fire trucks at the Lyndonville Memorial Day and Fourth of July parades pending approval from Tompkins Insurance, signed waivers and the Board stipulations are followed.

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

OLD BUSINESS:

- Employee Handbook - Clerk-Treasurer Woodworth asked the Board to review the updates for approval.

NEW BUSINESS:

- Capital Fund for the Waste Water Treatment Plant - Trustee Tuk mentioned that some additional sewer charges may be needed to assist in operation of the waste water treatment plant. This was something that was supposed to have happened during the upgrades. Trustee Tuk mentioned how the sewer budget has to annual have funds transferred from the general fund to assist in the expenses. Attorney Schubel will contact Jeff Smith from Municipal Solutions regarding the State program for Waste Water Treatment Plants.

ON MOTION of Trustee Woodward Jr, seconded by Trustee Covell, to adjourn the meeting at 7:36 p.m.

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

Teri Woodworth
Clerk-Treasurer