

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, June 9, 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. - Excused
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: Kim Feitshans, Skip Feitshans, Mary Kage, John Champlin,
Barb Champlin, Vernon Fonda

APPROVAL OF THE MINUTES

ON MOTION of Trustee Covell, seconded by Trustee Tuk, to accept the minutes of the May 12, 2014 Regular meeting and the May 29, 2014 Special meeting.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR:

- Mary Kage had a written complaint about the Ho Jack Ice Cream Shack. She expressed her concerns with the number of customers children playing in her yard, things missing from her garage, the noise, no privacy with her pool/backyard and the amount of cars and no barriers to stop them. Ms. Kage requested that the owners of the Ho Jack Ice Cream Shack be required to put up an esthetically pleasing privacy fence. Mayor McAvoy stated the Village Planning Board will need to review the site as well as look into the zoning of the businesses at the north end of the Village. He also noted a second written complaint was received.

Report – Fire Chief Gerety

- Absent
- Clerk-Treasurer Woodworth gave report - YTD calls – 93, MTD calls – 17 (6 – EMS in Town, 5 – EMS in Village, 1 - Hazardous Condition, 1 - Good Intent, 1 - CO Detector, 1 - Search, 1 – M/A to Carlton, 1 - M/A FAST to Medina)

Report – Attorney Schubel

- Working with Jim Bensley from Orleans County on zoning maps, the County is more than willing to assist with any zoning map changes.

Report – Code Enforcement Young

- Report: Building Permits - 1, Building Permit Inspection - 1, Certificate of Occupancy - 1, Violations - 6 (4 - Grass, 1 - Rubbish, 1- Unsafe Structure)

Report – Clerk-Treasurer Woodworth

- E-Waste Shed - Quarterly report for September 2013 - December 2013, 3,598lbs, January 2014 - March 2014, 1,932lbs and April 2014 - May 2014, 3,293lbs. Albion Redemption Center will donate the \$0.01 per pound to the Lyndonville Lions Club towards the fireworks.
- Police Report - Confirmed everyone received the May 2014 police report via email.
- Notice of dead or diseased tree has been sent to the owners of 28 South Main Street with a date of June 21, 2014 that the tree needs to be removed by.
- Clerk Part-Time position - only two applications have come in, Clerk-Treasurer Woodworth is going to run the ad in The Daily News next week.
- Vouchers – Abstract A12-2 #1642-1651 & 1682 to be paid

General	\$ 4,663.28
Water	\$ 1,258.19
Sewer	\$ 598.91
Grand Total	\$ 6,520.38

RESOLUTION NO 2014-67

VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A12-1 Vouchers #1642-1651 & 1682.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

- Vouchers – Abstract A1 #1601, 1652-1673 to be paid

General	\$ 17,769.97
Water	\$ 16,160.88
Sewer	\$ 15,172.71
Grand Total	\$ 49,103.56

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RESOLUTION NO 2014-68
VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to have Clerk-Treasurer Woodworth to pay Abstract A1 Vouchers #1601, 1652-1673.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

- Orleans County is requesting support from all municipalities to do a study on County wide Code Enforcement. Mayor McAvoy signed a letter that Village supports the study.

Report – Superintendent Woodworth

- Flushing fire hydrants June 10, 2014 through June 12, 2014.
- Sidewalks - Pro-Construction should be done by the end of next week for the 2014/2015 sidewalk project.
- Communication from the Water Treatment Plant and the Waste Water Treatment Plant is coming along good.
- National Grid is looking to do some upgrades at the substation on Church Street and may want an agreement to put some poles on Village property.
- 87 North Main Street - The Village discussed getting the property cleaned up. Code Enforcement Young will try to contact Safeguard Properties again. Attorney Schubel advised if clean up was necessary by the DPW the fee could be set later and charged back to the property.
- Chatfield Engineers, P.C. Proposal - Engineering study for the Johnsons Creek retaining walls at the Lyndonville Dam. The study is estimated to be complete in approximately three months with an estimated study cost of \$3,465.00.

RESOLUTION NO 2014-69
JOHNSONS CREEK RETAINING WALLS STUDY

ON MOTION of Trustee Covell, seconded by Trustee Tuk to accept Chatfield Engineers, P.C.'s proposal of \$3,465.00 to complete the Johnsons Creek Retaining Walls study.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

Report – Trustee Tuohey

- Nothing

Report – Trustee Tuk

- Trustee Tuk asked that if the Fire Chief is unable to attend Village Board meetings that another representative be sent in his place.
- Trustee Tuk requested that the Lyndonville Fire Department Chief be placed on an annual spending freeze effective May 1st each year due to late bills coming in.

RESOLUTION NO 2014-70
SPENDING FREEZE

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to put a annual May 1st spending freeze on the Lyndonville Fire Department Chief and all bills must be submitted prior to twelve o'clock noon the day of a Board meeting for approval at that nights meeting.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

- Officer Reimer - Trustee Tuk has concerns regarding the hours Officer Reimer is working and would like to see some night shifts starting to be worked. Questioned when the new radar gun gets used if one thousand or more miles are being put on the police car a month. He also expressed concerns regarding traffic speed on South Main Street.
- 2014/2015 Sidewalk budget has been spent already this year with the current work Pro-Construction is doing from Lynwood Drive toward Main Street.
- Trustee Tuk mentioned the dump truck parking on the state right of way on South Main Street is a hazard and needs to be addressed. Its illegally parked according to the Village Zoning as its too large of a vehicle to be parked in the Village.

Report – Trustee Covell

- Trustee Covell also expressed concern of traffic speed on South Main Street and West Avenue, wondering if Mizkan could be spoken to about their drivers speed.
- Trustee Covell mentioned the need of no parking signs on Maple Avenue with people parking from the corner to 15 Maple Avenue. Superintendent Woodworth will check the current no parking signage and make adjustments if needed.
- Trustee Covell proposed allowing parking for tractor-trailer trucks on West Avenue before the corner. Superintendent Woodworth will assess the area as there may be concerns with a storm drain within the proposed parking area.

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Report – Trustee Woodward Jr.

- Nothing - Excused

Report – Mayor McAvoy

- Grants - Mayor McAvoy hasn't found anything that the Village could get to help with the Dam or creek bank repairs and asked if anyone finds something different to let him know.

OLD BUSINESS:

- Johnsons Pond - No update at this time, Superintendent Woodworth will be getting the requested measurements of the Pond to the Army Corp of Engineers.
- Chickens - The Village Board has decided to leave the Village Zoning regarding harboring of farm animals as it reads.

NEW BUSINESS:

Legal Services Agreement -

THIS AGREEMENT made as of the 1st day of June, 2014, between the VILLAGE OF LYNDONVILLE, a municipal corporation of the State of New York, hereinafter referred to as "VILLAGE" and WEBSTER, SCHUBEL & MEIER, LLP, Attorneys at Law, of 113 West Center Street, Medina, New York, hereinafter referred to as "ATTORNEYS",

WHEREAS, the Village requires legal services in connection with the operations and functions of the government of the Village, and

WHEREAS, the Attorneys are experienced in matters involving municipal law and wish to perform necessary legal services for the Village,

NOW, THEREFORE, in consideration of the premises and the mutual covenants and promises hereinafter set forth, it is agreed as follows:

Attorneys will perform the following legal services:

- 1.) General consultation with all board members and Village officers, as required.
- 2.) Attendance as requested at meetings, conference sessions, and public hearings of Village governmental bodies, including the Village Board, Planning Board and Zoning Board of Appeals as required.
- 3.) Preparation of resolutions and local laws.
- 4.) Preparation and review of contracts and like transactional matters but excluding administrative agency proceedings, civil litigation and enforcement proceedings, capital project matters, bond issues and other borrowings, and the purchase and/or sale of real property and/or personal property.
- 5.) General legal research and correspondence; FOIL responses.

As compensation for the services as enumerated above, the Village will pay Attorneys an annual retainer in the amount of \$6,630.00 which shall be paid monthly in installments upon submission of vouchers therefor by Attorneys, payable upon approval by the Village. The vouchered payment shall not be considered compensation for the purposes of the New York State Retirement System.

The Attorneys will perform and provide such legal services as are required by the Village, as follows:

- 1.) The representation of Village in administrative agency proceedings, civil litigation and enforcement proceedings.
- 2.) Legal services in connection with capital projects, bond issues, and other borrowings and other related matters.

As compensation for services set forth in subparagraph 1 and 2, the Village will pay the Attorneys in accordance with the following schedule, rates and fees:

- a.) For the services described in subparagraph 1 above at the rate of \$135.00 per hour.
- b.) For legal services described in subparagraph 2 at rates and fees to be agreed upon between the parties by separate agreement for each matter.

The Attorneys shall periodically voucher the Village for the services rendered in subparagraphs 1 and 2, and such fees shall be payable upon approval of such vouchers by the Village. The vouchered payments shall be not considered compensation for the purposes of the New York State Retirement System.

The Lawyers' Code of Professional Responsibility prohibits representation of multiple clients if the exercise of independent professional judgment on behalf of a client will be or is likely to be adversely affected by such multiple representation. For the matters described above, the Village will be a client of the Attorneys.

As a matter of course, Attorneys regularly represent other municipalities and professionals who provide services to municipal entities. Attorneys' representation of these clients has occurred in the past, is presently ongoing, and Attorneys hope will continue in the future.

If Attorneys represent a regular client in matters not related to the Village, a "potential" conflict of interest may arise if such client subsequently becomes involved in a matter relating to the Village. Execution of this Agreement will constitute a waiver by the Village of all "potential" conflicts of interests, but will not constitute a waiver of an "actual" conflict of interest. An "actual" conflict of interest would exist in a situation where Attorney's firm represents the Village and another client in the same matter. In the event

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of an “actual” conflict of interest, Attorneys will provide notice to the Village of such “actual” conflict of interest, and will undertake such appropriate steps to resolve any such “actual” conflicts of interest consistent with the Lawyer’s Code of Professional Responsibility.

The terms of this Agreement shall be for the period of one (1) year from June 1, 2014, to May 31, 2015. This agreement may be terminated by either party upon ten (10) days written notice by certified mail return receipt requested or personal delivery.

**RESOLUTION NO 2014-71
LEGAL SERVICES AGREEMENT**

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to accept the legal services agreement as it reads with Webster, Schubel & Meier LLP.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

- Orleans County Resolution 199-514 - URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO CONTINUE TO ADDRESS UNFUNDED MANDATES THAT USE LOCAL TAX DOLLARS TO FUND STATE AND FEDERAL PROGRAMS AND SERVICES

WHEREAS, many municipalities in New York State face significant fiscal challenges that are amplified by a slow economic recovery and a state imposed restriction on local revenues; and

WHEREAS, in most instances the county fiscal challenges are directly tied to state imposed mandates and reduced state reimbursement; and

WHEREAS, counties play a central role in delivering state services, due to our state mandated role in the administration and financing of a wide variety of state programs; and

WHEREAS, in 2013, the state enacted Medicaid reforms to assume all of the growth in spending from the local taxpayers by 2015; and

WHEREAS, local taxpayers continue to fund \$7.5 billion of Medicaid costs; now be it

RESOLVED, that the Orleans County Legislature strongly encourages the Governor and State Legislature to work to address the underlying causes of fiscal stress facing so many localities; and be it

FURTHER RESOLVED, that the Orleans County Legislature believes the State must work diligently to enact a no new unfunded mandates law and constitutional protections against future unfunded mandates; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, State Senator George Maziarz, Assembly Member Stephen Hawley, Assembly Member Jane Corwin, NYSAC, all Towns and Villages in Orleans County, and all others deemed necessary and proper.

**RESOLUTION NO 2014-72
SUPPORTING ORLEANS COUNTY RESOLUTION 199-514**

ON MOTION of Trustee Covell, seconded by Trustee Tuk to support Orleans County's resolution 199-514.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

- NYS Retirement Standard Work Day Resolution -
BE IT RESOLVED, that the Village of Lyndonville 40296 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No - If Yes, do not complete the last two columns)
Appointed Officials							
Supt of Public Works	8	Terry Woodworth	XXXX	013989223	X	06/01/2014 - 05/31/2015	Yes
Code Enforcement Officer	8	Aaron Young	XXXX	60649217		06/01/2014 - 05/31/2015	Yes

**RESOLUTION NO 2014-73
STANDARD WORK DAY RESOLUTION**

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to set the standard work day for the Superintendent of Public Works and Code Enforcement Officer at 8 hours.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

- Time Warner Cable - Franchise Agreement - Set a public hearing for July 14, 2014 at 6:15pm.
- Water Shut Off's Policy - The Board discussed setting a policy on shutting off water service due to non-payment. Clerk-Treasurer Woodworth explained how the water/sewer program works and the current process of giving approximately 41 days from the date the meters are read before payment is due, then the 10% penalty is assessed,

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then approximately 21 days after the penalty has been assessed a final shut off notice is sent out giving 14 days from the date its mailed to pay in full or water services will be shut off. The day prior to the date on the shut off notice the DPW will place door knockers on any delinquent property notifying them to contact the Clerk. The Board discussed all water/sewer bills must be satisfied 30 days after the original due date. If not the Clerk-Treasurer has the authority to order the DPW to shut off water services for non-payment. The Board also advised the Clerk-Treasurer is not authorized to accept post dated checks on the final shut off date. Their discussion was about accepting monthly payments, the Clerk-Treasurer is authorized to accept partial or monthly payments during a billing cycle however the bill still must be satisfied in full by the final shut off date. The Board stated no excuses or exceptions will be made.

**RESOLUTION NO 2014-74
WATER SHUT OFF POLICY**

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to authorize the shut off of water services for non-payment 30 days past the original due date, no posted checks will be accepted or extensions give and that the Clerk-Treasurer be given the authority to authorize such shut off by the DPW for non-payment.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

• 2013/2014 Budget Transfers:

Transfer From Account	Transfer To Account	Amount of Transfer		Transfer From Account	Transfer To Account	Amount of Transfer
A.1010.1	A.7110.2	\$2569.00		A.7510.1	A.8140.4	\$145.00
A.1010.1	A.5110.4	\$989.20		A.7510.4	A.8104.4	\$200.00
A.1010.4	A.1325.1	\$310.07		A.7550.4	A.8140.4	\$167.11
A.1010.4	A.1325.4	\$13.83		A.8020.4	A.5142.4	\$493.05
A.1010.4	A.5110.4	\$34.43		A.82020.4	A.5110.4	\$6.95
A.1210.1	A.5110.4	\$1647.00		A.8140.1	A.8140.4	\$1223.03
A.1210.4	A.1670.4	\$56.05		A.8560.1	A.9040.8	\$3331.59
A.1210.4	A.5110.4	\$337.36		A.8560.4	A.8010.1	\$160.00
A.1320.4	A.7110.2	\$4000.00		A.8560.4	A.5110.4	\$4.15
A.1320.410	A.5110.4	\$1137.50		A.8664.1	A.9040.8	\$1094.75
A.1325.2	A.1490.2	\$132.02		A.8664.1	A.5110.4	\$277.08
A.1325.2	A.1490.2	\$50.74		A.8664.2	A.5110.4	\$500.00
A.1325.2	A.5110.4	\$10.76		A.8664.4	A.5142.1	\$601.83
A.1340.1	A.5110.4	\$187.50		A.8664.4	A.5110.4	\$257.54
A.1340.4	A.1450.4	\$200.05		A.9010.8	A.8140.4	\$1287.01
A.1340.4	A.1490.4	\$47.36		A.9010.8	A.5110.4	\$1010.66
A.1340.4	A.5110.4	\$2.59		A.9030.8	A.9060.8	\$649.27
A.1420.4	A.5110.4	\$0.20		A.9030.8	A.8760.1	\$628.64
A.1460.2	A.5110.4	\$250.00		A.9030.8	A.8010.4	\$264.12
A.1460.4	A.5110.4	\$166.37		A.9030.8	A.5110.4	\$418.69
A.1490.1	A.1610.4	\$5687.85		A.9055.88	A.5110.4	\$181.97
A.1490.1	A.1620.1	\$1713.03		F.1920.4	F.9060.8	\$649.12
A.1490.1	A.1640.492	\$2945.57		F.8310.2	F.8330.4	\$1737.50
A.1610.1	A.1670.4	\$753.45		F.8320.1	F.8320.49	\$4366.58
A.1640.2	A.5110.4	\$2.72		F.8320.2	F.8320.49	\$1798.58
A.1640.4	A.1640.492	\$10114.09		F.8330.2	F.8320.9	\$47.31
A.1640.4	A.1650.4	\$223.52		F.8330.2	F.8330.42	\$11.94
A.1640.4	A.5110.4	\$200.23		F.8340.1	F.8330.41	\$2859.92
A.1920.4	A.1910.4	\$231.04		F.8340.4	F.8340.49	\$2811.55
A.1920.4	A.1670.4	\$41.96		F.9710.6A	F.8320.4	\$16657.87
A.2770.4	A.5110.4	\$392.00		F.9710.6A	F.8330.49	\$5216.57
A.3010.1	A.1680.4	\$1160.00		F.9710.6B	F.9040.8	\$4803.33
A.3010.1	A.5110.4	\$877.50		F.9710.6N	F.8320.49	\$2665.42
A.3010.4	A.5110.4	\$445.00		F.9710.6W	F.8330.1	\$8214.53
A.3120.1	A.5110.4	\$4252.50		F.9710.7A	F.9710.7	\$24654.00
A.3120.2	A.3120.4	\$483.93		F.9710.7B	F.9710.7	\$714.75
A.3120.2	A.5110.4	\$475.62		G.1320.4	G.9040.8	\$4000.00
A.3410.42	A.3410.4	\$1334.49		G.1320.410	G.9040.8	\$1137.51
A.3410.45	A.3410.400	\$601.00		G.1910.4	G.9040.8	\$1825.36
A.3410.45	A.3410.43	\$164.82		G.1920.4	G.9040.8	\$51.50
A.3410.49	A.3410.44	\$2890.13		G.8110.1	G.9040.8	\$324.46
A.4020.1	A.5110.4	\$275.00		G.8110.2	G.9040.8	\$334.51
A.5110.2	A.5110.1	\$6004.26		G.8110.4	G.9040.8	\$772.18
A.5110.2	A.5182.4	\$452.85		G.8120.1	G.8130.4	\$5685.79
A.5110.2	A.5110.4	\$1156.89		G.8120.2	G.9040.8	\$1000.00
A.5410.1	A.5182.4	\$1474.57		G.8120.4	G.8130.4	\$2283.68
A.5650.4	A.8140.4	\$1973.33		G.8130.2	G.9040.8	\$953.06
A.7110.1	A.8140.4	\$1435.91		G.8130.2	G.8130.4	\$46.94
A.7110.4	A.8140.4	\$2315.80		G.9010.8	G.8130.4	\$994.66
A.7310.4	A.8140.4	\$1500.00		G.9055.8	G.8130.4	\$181.97

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RESOLUTION NO 2014-74
2013/2014 BUDGET TRANSFERS

ON MOTION of Trustee Tuk, seconded by Trustee Covell to make the 2013/2014 budget transfers as they read.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

- Superintendent Woodworth mentioned he's been with the Village of Lyndonville 40 years full time this year. Mayor McAvoy thanked him for his dedication and noted that Superintendent Woodworth takes pride in his work, works hard and maintains the Village as if it's his own property. Superintendent Woodworth started when Harry Maines was Mayor in 1972.

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to adjourn the meeting at 7:15 p.m.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Tuohey); 0 Nays; 0 Abstain

Teri Woodworth
Clerk-Treasurer