

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, July 14, 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 Aaron Young
Attorney David Schubel
Fire Chief Jason Gerety
Public: Barb Champlin , John Champlin, Sheila Dobbins, Ward Dobbins

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey, to accept the minutes of the June 9, 2014 Regular meeting.

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

PRIVILEGE OF THE FLOOR:

- Ward & Sheila Dobbins - Would like to put a labor camp in at 96 West Avenue with five H2A workers from August to November. They recently had a new pole and electrical service put into the location. They are not looking to make any changes to the property they just need a current certificate of occupancy for the Health Department to approve their request to use the existing structure. Code Enforcement Young will reach out to Bill Gerling to inspect structure.

USE OF FACILITIES

- Fire Hall – The Lyndonville Fire Department is requesting use of the Fire Hall on August 23, 2014 from 1:00pm to 4:00pm for their annual gun raffle.
- Veterans Park – the Yates Community Library is requesting use of Veterans Park on August 4, 2014 at 6:30pm and August 9, 2014 at 6:30pm for a concert.

RESOLUTION NO 2014-76

USE OF FACILITIES

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to approve the use of facilities for the Lyndonville Fire Department to use the Fire Hall on August 23, 2014 for their annual gun raffle contingent on the necessary paper work being filed and completed for their bell jar license with Clerk-Treasurer Woodworth.

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

RESOLUTION NO 2014-77

USE OF FACILITIES

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to approve the use of facilities for the Yates Community Library to use Veterans Park on August 4, 2014 and August 9, 2014 for concerts.

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

Report – Fire Chief Gerety

- Absent - No report given.
- The Board reiterated that the Fire Department must have representation at every Village Board meeting if the Chief is not able to attend.

Report – Attorney Schubel

- Working with Superintendent Woodworth to issue letters to land owners within a mile radius of the Water Treatment Plant regarding the spreading of manure.
- Time Warner Franchise Agreement -

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to open the public hearing of the Time Warner Cable Franchise Agreement at 6:13pm.

Attorney Schubel explained there were no changes in the agreement from prior. He also mentioned the agreement included one free basic cable drop and was believed to be for the Village Hall.

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to close the public hearing of the Time Warner Cable Franchise Agreement at 6:16pm.

RESOLUTION NO 2014-78

TIME WARNER CABLE FRANCHISE AGREEMENT

ON MOTION of Trustee Covell, seconded by Trustee Tuohey, to accept the Time Warner Cable Franchise agreement.

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Report – Fire Chief Gerety

- Report - YTD calls – 105, MTD calls – 12 (6 – EMS in Town, 1 – EMS in Village, 1 - Hazardous Condition, 1 - Police Emergency, 1 - Storm Detail, 1 - Auto Alarm, 1 – M/A to Ridgeway)
- Games of Chance - Clerk-Treasurer Woodworth advise she is unable to issue the license due to two members not signing the good moral character form. Clerk-Treasurer Woodworth informed Chief Gerety that the Fire Department needs to complete a raffle license as well. Chief Gerety stated he doesn't believe they are required to get a raffle license due to the net proceeds they make. Clerk-Treasurer Woodworth stated the Fire Department won't release any net proceeds figures for her to advise whether the Fire Department needs to complete the under \$30,000.00 or over \$30,000.00 raffle license. Until the Fire Department provides the necessary figures Clerk-Treasurer Woodworth is requiring the under \$30,000.00 raffle license be completed prior to the gun raffle.
- 4th of July - Chief Gerety stated everything went well and thanked the Village of Lyndonville DPW and the Lions Club for doing a great job.
- The Board again reiterated that the Fire Department must have representation at every Village Board meeting if the Chief is not able to attend.
- Trustee Tuk informed Chief Gerety of the Board's decision at the prior Board meeting that the Chief will be put on an annual May 1st spending freeze and all bills must be submitted prior to twelve o'clock noon the day of a Board meeting for approval at that nights meeting.
- The Board requested Village meetings be put on the Fire Departments sign and a contact name and either email or phone number be provided to Clerk-Treasurer Woodworth.

Report – Code Enforcement Young

- Report: Building Permits - 7 - Building Permits Issued & Inspection, 1 -Certificate of Compliance, 1 - Notice/Violation, 1 - Appearance Ticket
- Training for Code Enforcement certification - August 19-21, September 23-25, October 14-16, November 5-7, November 18-20 and December 9-11. Code Enforcement Young will be attending the required training and will work on Monday's those weeks.
- AGC Construction - Code Enforcement Young owns AGC Construction and may have jobs in the Village from time to time, Orleans County Department of Planning and Development Jim Bensley advised its a conflict of interest for Code Enforcement Young to issue his own building permits or inspections, he recommended a neighboring municipalities Code Enforcement Officer issue the permits and inspections. Clerk-Treasurer Woodworth offered to contact the Town of Carlton to see if they are interested in a shared services agreement that the Code Enforcement Officers will back each other up. The Board agreed with Clerk-Treasurer Woodworth's offer. Attorney Schubel will draft the agreement if need be.

Report – Clerk-Treasurer Woodworth

- Notice of dead or diseased tree has been sent to the owners of 261 North Main Street with a date of August 9, 2014 that the tree needs to be removed by.
- Police Report - Confirmed everyone received the June 2014 police report via email.
- Clerk Part-Time position - received a total of 5 applications, Clerk-Treasurer Woodworth will start the interview process soon.
- Vouchers – Abstract A12-3 #1683, 1756 - 1759 to be paid

General	\$ 706.05
Water	\$ 2,022.31
Sewer	\$ 938.17
Grand Total	\$ 3,666.53

RESOLUTION NO 2014-79

VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to have Clerk-Treasurer Woodworth to pay Abstract A12-3 Vouchers #1683, 1756 - 1759.

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

- Vouchers – Abstract A2 #1684, 1701-1755 & 1760 - 1762 to be paid

General	\$ 48,682.34
Water	\$ 14,272.62
Sewer	\$ 15,276.32
Grand Total	\$ 78,231.28

RESOLUTION NO 2014-80

VOUCHERS TO BE PAID

ON MOTION of Trustee Tuohey, seconded by Trustee Tuk to have Clerk-Treasurer Woodworth to pay Abstract A2 #1684, 1701-1755 & 1760 - 1762.

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

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, July 14, 2014 at the Village Hall.
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- Orleans County Resolution 212-614

OPPOSING EXPANSION OF FEDERAL CONTROL UNDER THE CLEAN WATER ACT

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the U.S. under the Clean Water Act; and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

WHEREAS, the proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact County-owned and maintained infrastructure such as roadside ditches and flood-control channels; and

WHEREAS, the cost to our farms, municipalities and taxpayers will be enormous; and

WHEREAS, the New York Farm Bureau opposes the proposed rule change; and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or "significant nexus", miles away, to a body of water currently defined as "navigable"; now, therefore be it

RESOLVED, that the Orleans County Legislature hereby strongly opposes the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed; and be it

FURTHER RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Association of Counties, State Senator Maziarz, State Assemblyman Hawley, State Assemblywoman Corwin, the New York State Association of Counties, the Western New York Inter-County Association, and all others deemed appropriate.

**RESOLUTION NO 2014-81
SUPPORTING ORLEANS COUNTY RESOLUTION 212-614**

ON MOTION of Trustee Covell, seconded by Trustee Tuk to support Orleans County's resolution 212-614.

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

- Orleans County Resolution 233-614

RESOLUTION CALLING UPON THE NEW YORK STATE PUBLIC SERVICE COMMISSION TO SET A CONDITION OF MERGER FOR COMCAST'S PROPOSED BUYOUT OF TIME WARNER CREATING VOTING SEAT ON THEIR BOARD OF DIRECTORS REPRESENTING A CUSTOMER VOICE AND ANOTHER REPRESENTING A VOICE OF GOVERNMENT

WHEREAS, Orleans County represents a rural region that is economically focused on agri-business and recreation where high-speed Internet service is essential for commercial economic growth, for our education systems, and the overall well-being of our citizens; and

WHEREAS, today's agricultural enterprises leverage cutting edge bio-technology, renewable energy, and hi-tech heavy equipment which depend on the Internet; and

WHEREAS, the Internet Innovation Alliance has published the following statistics relative to broadband access and jobs:

- More than 62% of American workers, including our farmers, rely on the Internet to do their jobs
- Among U.S. workers, 14% telecommute or work from home at least one day a week
- Jobs that depend upon broadband availability are projected to increase 25% by 2018
- Job seekers had a 27% increase in success by using social networks to generate referrals
- A \$10 billion investment in broadband would produce nearly 500,000 new jobs
- Local economic growth and secondary investment enabled by broadband expansion is 10 times the initial investment; and

WHEREAS, there are significant areas of the County without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density; and

WHEREAS, broadband providers have not found it economically feasible to provide broadband services to many of the remote areas of the County; and

WHEREAS, ComCast has submitted for approval a proposal to "buyout" Time Warner NYS services now under consideration by the New York State Public Service Commission; and

WHEREAS, it has been our observation small businesses tend to be willing to listen to the voice of the community and be agile with regard to delivering profitable services, however larger businesses frequently seem too distant in listening to the voices in a small community when they have a monopoly as is the case with broadband services in our region; and

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WHEREAS, Orleans County, in unison with Niagara County, presented recommendations for the proposed merger at a Public Hearing held on Monday, June 16th at the North Campus of SUNY Buffalo; and

WHEREAS, the most significant point in the presentation was to recommend a condition of the proposed merger be the creation of a voting seat on the Board of Directors representing a customer voice (the source of their income) and another representing a voice of government (source of grant funds that you presently leverage to expand your private network); and

WHEREAS, this legislature believes these two seats are foundational to ensure our voices are not only heard, but are part of any go-forward decisions for broadband expansion in Western New York; now, therefore be it

RESOLVED, that the New York State Public Service Commission examine the long-term benefits and opportunities of the aforementioned Board of Director seats, and set requirements to assure the public interests are well represented alongside the private interests of this or any future telecommunication providers; and be it r

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew M. Cuomo, the Commissioner of New York State Public Service Commission, 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 2014-82
SUPPORTING ORLEANS COUNTY RESOLUTION 233-614**

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to support Orleans County's resolution 233-614.

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

- Trustee Tuk inquired when we will be able to close out the fiscal year 2013/2014. Clerk-Treasurer Woodworth stated we should not have any more May bills coming in and Brown & Company, LLP have everything they need to reconcile 2013/2014.

Report – Superintendent Woodworth

- Old Sanitary Sewers - Working with Chatfield engineer on locating the Old Sanitary Sewers, should have something to present for the August Board meeting.
- Dam - Working with Chatfield engineer on assessing all the necessary repairs and materials that will be needed, should have something to present at the August Board meeting.
- Tree program - Superintendent Woodworth is working on obtaining a list of acceptable trees for planting in the Village.
- Storm drain - the DPW replaced 64' for pipe in the storm drain in front of the E-Z Shop, they just need to repair the blacktop and the repair is complete. Mayor McAvoy found where the area industries agreed to help pay for the project when it was originally installed and is going to reach out to them for contributions towards the repair. Superintendent Woodworth is working on getting the old utility pole at the E-Z Shop that was replace removed.
- Lyndonville Central School playground - Lyndonville Central School is planning on moving the playground located behind the Lyndonville United Methodist Church over to the Housel Avenue location. The School is looking for assistance from the DPW with equipment and manpower doing some site grading, drilling of holes and the use of the backhoe. All Village equipment would be operated by the Village, Town or authorized school employees.

**RESOLUTION NO 2014-83
LYNDONVILLE CENTRAL SCHOOL PLAYGROUND ASSISTANCE**

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to assist the Lyndonville Central School with moving the playground and all Village equipment will be used only by those authorized.

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

Report – Trustee Covell

- Zoning map problem - Trustee Covell wondered where we were at with getting the Village Zoning Map redone. Mayor McAvoy advised the County will be assisting the Village Planning Board with the map changes.
- Mowing Rate - Trustee Covell inquired if we had a set rate for mowing if high grass violations have not been addressed. Superintendent Woodworth is working on obtaining the emergency equipment rates from the State then will figure in the rate of the equipment and the employee's rate including benefits.

**RESOLUTION NO 2014-84
MOWING RATE**

ON MOTION of Trustee Tuohey, seconded by Trustee Covell to set the high grass mowing violation rate at the State emergency equipment rates plus the employee's hours times their current rate of pay including benefits.

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

Report – Trustee Woodward Jr.

- Northing

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Report – Trustee Tuk

- Fluoride - Stated his personal dentist recommends keeping fluoride
- Inquired if the owners of The Ho Jack Ice Cream Shack & Snack Shack Grill have been contacted regarding zoning requirements for the location.

Report – Trustee Tuohey

- Nothing

Report – Mayor McAvoy

- Mentioned receiving Officer Riemers letter of resignation.
- Mentioned the Planning Board Members Ginny Hughes, Douglas Rue and James Whipple were the ones that worked on the 2003 Village Zoning map.

OLD BUSINESS:

- Johnsons Pond - The Army Corp of Engineers is looking for the Village of Lyndonville to write a letter of intent of \$100,000.00 to continue with Johnsons Pond project. The Board agreed they would like the Army Corp of Engineers to do an onsite visit to fully understand the concerns and repairs that are needed to confirm everyone is on the same page before any letter of intent will be written.

NEW BUSINESS:

- Fence Permits - Attorney Schubel advised that even though Local Law 2007-1 states a permit is not required for a fence, the Village's 2003 Zoning Local Law 2003-1 is more stringent and therefore supersedes the NYS Uniform Building Code. No refunds need to be issued for those who have obtained a fence permit from 2007 to current.
- Police Officer Riemer - The Board discussed the items that have been purchased for Officer Riemer during his employment with the Village and would like everything returned. Clerk-Treasurer Woodworth was asked to create a list of the items to be returned and check them off as they are turned. Clerk-Treasurer Woodworth stated she has spoken to prior Officer Larkin and he is interested in the Village's Police Officer position.

RESOLUTION NO 2014-85

PART-TIME POLICE OFFICER

ON MOTION of Trustee Covell, seconded by Trustee Tuohey to accept Officer Riemer's letter of resignation effective July 27, 2014 and to re-hire Officer William Larkin effective July 28, 2014

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

- DuPont - The Board mentioned DuPont wanting to connect the Village sewer for discharging of leachate from the West Avenue dump site. The Board agreed it's not something our sewer plant is able to handle and Mayor McAvoy will write a letter notifying Dupont of the Board's decision.
- National Grid Easement - Superintendent Woodworth presented National Grid's propose Easement for Church Street. National Grid is offering the Village \$1,000.00 for executing the easement.

RESOLUTION NO 2014-86

NATIONAL GRID EASEMENT

ON MOTION of Trustee Tuk, seconded by Trustee Tuohey to accept National Grid's Easement pending approval from Attorney Schubel.

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

ON MOTION of Trustee Tuohey, seconded by Trustee Covell, to adjourn the meeting at 7:21 p.m.

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

Teri Woodworth
Clerk-Treasurer