

**Regular meeting of the Trustees, Village of Lyndonville was held on Monday, September 8, 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, Kevin Johnson, Keith McKinney, Roger Barth and Virginia Nicholson

**APPROVAL OF THE MINUTES**

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey, to accept the minutes of the August 11, 2014 Regular meeting.

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

**PRIVILEGE OF THE FLOOR:**

- Roger Barth - Resident on Sunny Crest Lane, Fire Lane 2 expressed his concerns with a ditch that was put installed, in the spring to drain the local farmers field south of the Water Treatment Plant. Mr. Barth is very proud of Lyndonville's water and has several concerns regarding farmers draining into the lake less than a mile from the Water Treatment Plant intake. Mr. Barth has been in contact with NYS DEC and his attorney, he would like to see the Village take action on this as the Town of Yates is unable to since they are just merely a customer of the Village's water system. Superintendent Woodworth state Attorney Schubel did send out notices to all the agricultural land owners within a mile radius of the Water Treatment Plant intake explaining NY State code section 134.2. Attorney Schubel advised that if any violations are made after the notices they would need to be reported to the Department of Health.
- Kevin Johnson & Keith McKinney - Representing the Lyndonville Little League. They would like to discuss upgrading the Lake Avenue Ball Fields to restart the Lyndonville Little League. Superintendent Woodworth stated he would work with the Little League and gentleman from Orleans County on some possible upgrades. Mr. Johnson and Mr. McKinney offered to assist with ensuring the ball fields are mowed prior to games.

**Report – Attorney Schubel**

- Nothing

**Report – Code Enforcement Young**

- Report: Building Permits - 2 - Building Permits Issued, 2 - Inspections and 3 - Notice/Violation
- Inspection and Report - Code Enforcement Young issued the following report to the Village Board: Upon my inspection of the structure on the east side rear parking lot located at 29 S Main St Lyndonville, NY 14098, it is my determination that this building be condemned and on schedule to be demolished according to Housing Standards Chapter 123-18A. : Demolition of the Village Code. A notice of violations was sent to Sharon Gray on April 4, 2013 and nothing was done to correct the problems and has further deteriorated causing concern by the adjoining neighbor. I am issuing this report to the Village Board per Chapter 72-4: Inspection and Report of the Village Code and awaiting a determination. Attorney Schubel advised a waiver of consent can be signed if the owner so wishes to just let the Village move forward with the demolition and charge the costs back on the property taxes. Superintendent Woodworth stated he will contact owner regarding the situation.

**RESOLUTION NO 2014-91**

**INSPECTION AND REPORT**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Woodward Jr. to accept Code Enforcement Young's inspection and report of structure on the east side rear parking lot of 29 S Main Street and to schedule a Public Hearing for October 13, 2014 at 6:15pm.

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

**Report – Fire Chief Gerety**

- Thanked the DPW for all their work preparing and cleaning up from the Gun Raffle.
- Report - YTD calls – 140, MTD calls – 14 (5 – EMS in Town, 5 – EMS in Village, 1 - MVA in the Town, 1 – Automatic Alarm, 1 – Propane Odor, and 1 - Hazardous Condition)

**Report – Clerk-Treasurer Woodworth**

- Clerk Part-Time position - Clerk-Treasurer Woodworth proposed hiring Virginia Nicholson with the following terms and conditions:

Dear Ms Nicholson,

The Village of Lyndonville is pleased to offer you the position of Clerk Part-Time with the Village of Lyndonville on the following terms:

1. **Rate of pay:** You will be paid \$ 10.00 per hour less applicable deductions.

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2. **Mileage:** \$0.50 when attending any required training.
3. **Hours of Work:** Monday thru Friday, approximately 10-12 hours a week with the flexibility to cover the Clerk-Treasurer during her time off.
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. **Length of employment:** The Clerk Part-Time is appointed by the Clerk-Treasurer with the Board's approval.
6. **Obligations:** During your employment, you will report to Clerk-Treasurer Teri M. Woodworth. You will be expected to carry out the duties assigned to you in competent and efficient fashion. If you have any problems or questions you will be expected to bring them to your supervisor.
7. **Commencement of employment:** Your employment will commence on 9/10/2014 upon completion of the required employment paperwork and drug testing.
8. **Required Documentation:** Please complete the enclosed documentation and return to the Village Clerk-Treasurer. 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 - 92**  
**APPOINTMENT OF CLERK PART-TIME**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Woodward Jr. to hire Virginia Nicholson for the Clerk Part-Time position in accordance with the terms and conditions outlined in her agreement.

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

- SEC Continuing Disclosure Requirements Rules and Regulations for Municipalities -  
Municipal  
S o l u t i o n s .  
Municipal Financial Advisors

**Subject: Continuing Disclosure Requirements**

**July 17, 2014**

**To: All Clients of Municipal Solutions, Inc.**

Because of recent Securities and Exchange Commission actions that have threatened municipalities, municipal employees as individuals, underwriters and other parties involved in municipal financing transactions, we are writing this letter to reiterate the changes in the Securities Exchange Commission's (SEC) rules and regulations that became effective July 1, 2009. **These changes are now being strictly enforced by the SEC and must be taken seriously.**

As a result of the financial crisis of 2008, the Dodd-Frank Wall Street Reform and Consumer Protection Act was implemented to provide new protections to issuers of municipal bonds, as well as give financial assurances to consumers, taxpayers, and the overall banking and investment system. The Dodd-Frank Act creates more regulations, adds accountability and promotes greater transparency in the bond market.

We have written to you in the past about some of the changes to the continuing disclosure provisions of its Rule 15c2-12 (the "Rule") now affecting most of you, including the "small issuer" financial filings to EMMA and material event changes. With the past downgrades of the bond insurers, and now subsequent upgrades of those insurers, failure by some municipalities to submit financial information in a timely manner, and the SEC's recent "crack down" on past violations that can affect bonds that were issued up to ten years ago, we are providing this memo as a refresher on the material event notice requirements and the revisions to those requirements as a result of Dodd-Frank.

Effective July 1, 2009, the Securities and Exchange Commission approved changes to the continuing disclosure requirements in an effort to improve perceived deficiencies in the quality and timeliness of disclosure regarding municipal securities.

**CHANGES TO MATERIAL EVENT NOTICE REQUIREMENTS**

The chart at the end of this memo lists all fifteen material events and describes the Rule's requirements for each event, both before and after the Rule changes.

- 1) Timing of Reporting - in the past, the Material Event Notices were to be filed in a timely manner (if the event was deemed to be material). Now, the notices must be filed **within 10 days of occurrence**. Note this does **not** mean within 10 days of your finding out about the event.
- 2) Removal of Materiality - in the past, seven of the original 11 events only needed to be reported if they were deemed "material" to the finances of the issuer. That modifier has been removed, and these seven events must now always be reported if they occur.
- 3) Addition of Events - the amended rule adds four new events that must be reported. CHANGES TO ANNUAL FINANCIAL

**FILINGS FOR SMALL ISSUER:**

Effective with the new Rule change, within six months of the end of a local government's fiscal year issuers with less than \$10 million of qualifying debt outstanding must annually submit their audited financial reports, or Annual Update Documents submitted, to the Office of the New York State Comptroller, along with any other operating information that is customarily prepared by the issuer for the public to EMMA. Audited financial statements, if produced, shall be submitted no later than 30 days following receipt by the Issuer, but in no event later than the last day of the following fiscal year.

The financials must be in a pdf word-searchable document and uploaded to the EMMA website annually for the life of the issue. See [wy.w.msrb.org](http://wy.w.msrb.org) for more information on the EMMA system.

**PENALTIES OF NOT FILING IN A TIMELY MANNER**

Penalties are involved when an issuer or obligated person fails to file annual financial information in the reporting period specified in the Official Statement (under the disclosure undertaking section of the document) and the bond closing

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documents. Material Event Notices must be filed, and include:

- If a filing deadline is missed, the Rule requires the issuer to notify EMMA of such failure to file on or before the required date;
- The failure to file in a timely manner must be disclosed in official statements during the subsequent five years;
- A failure to honor continuing disclosure obligations could subject the issuer to bondholder lawsuits enjoining the issuer to abide by continuing disclosure pledges made in the original official statement and closing documents;
- Failure to honor disclosure reporting obligations WILL lead to difficulty in, or the inability of, obtaining underwriters who are willing to participate in future issuer security offerings.

As indicated above, issuers should be aware of the implications of the Rule, because failure to comply can have severe negative repercussions for the issuer. Failure to provide ongoing information will cause the market to react unfavorably the next time the issuer tries to sell its notes or bonds.

We realize that many times our clients are not aware if a material event has occurred. As a courtesy, we have been posting the material event notices to EMMA on our clients' behalf for a fee of \$125. We will continue to do so at this time to ensure you have not missed a reportable event unless you request us to discontinue this practice. Please indicate on the form below whether or not you wish Municipal Solutions, Inc. to file, or continue to file, Annual Update Documents /Audited Financial Reports or Material Event Notices on your behalf. Please return it to the LeRoy office at 83 Myrtle Street, LeRoy, New York 14482. If you would like us to assist you with this service, we will send an updated Continuing Disclosure contract for review and acceptance by your municipality.

Please feel free to contact us anytime in LeRoy at 585-768-2136 or in Canandaigua at 585-394-4090 if we can be of assistance in helping you to comply with these new requirements.

Sincerely,

Jeffrey R. Smith, President  
Municipal Solution, Inc.  
Certified Independent Public Financial Advisor (CIPFA)

**RESOLUTION NO 2014 - 93**  
**CONTINUING DISCLOSURE CONTRACT**

**ON MOTION** of Trustee Tuk, seconded by Trustee Woodward Jr. to request that Municipal Solutions, Inc. send an updated Continuing Disclosure contract to assist us with the filings of Material Event Notices and Annual Financial Reports.

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

- Clerk-Treasurer Woodworth will be attending an online webinar regarding EMMA.
- 2015 Orleans County Self-Insurance will decrease 7.1% from the 2014 budget.
- New York State Division of Local Government Services Training for Local Boards - October 9, 2014 5:00pm - 9:30pm if any Board member would like to attending Clerk-Treasurer Woodworth will do the registration.
- Police Report - Confirmed everyone received Officer Lakrin's police report.
- Time Warner Cable - Has been charging all the Village accounts for sales tax. Clerk-Treasurer Woodworth was able to obtain a credit of approximately \$150.00 back to August of 2013. Further research will be done to determine the amount of any additional refunds that are due.
- Fixed Assets Update - Industrial Appraisal is with the May 2014 update, originally quoted \$400.00 for the update and only charged the Village \$ 250.00.
- Vouchers – Abstract A4 #1859 - 1906 to be paid

General	\$ 11,993.46
Water	\$ 34,044.50
Sewer	\$ 3,279.64
<b>Grand Total</b>	<b>\$ 49,317.60</b>

**RESOLUTION NO 2014-94**  
**VOUCHERS TO BE PAID**

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey to have Clerk-Treasurer Woodworth to pay Abstract A4 Vouchers #1859 - 1906.

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

**Report – Superintendent Woodworth**

- Chatfield Engineers, P.C. - Working on mapping all the storm drains. They should have a report by the next Board meeting. Superintendent Woodworth stated that South Main Street may have to be abandoned; Maple Avenue old storm sewers are approximately 14 feet down and not sure it makes much sense to repair them.
- Tree & Blacktop Quotes - We don't have enough quotes at this time, working on obtaining more.
- Water Tower - Has a few rust spots on the top, the DPW has done some touch up painting. Utility Service Group has reached out to Superintendent Woodworth and would like to offer to maintain the maintenance of the Water Tower. Superintendent Woodworth asked them to do an inspection of the Tower in the next week or so and

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advise the Board from there with what would be required for maintenance. It was also mentioned that the Town of Yates will more than likely assist in the cost.

- DAM letter of intent: The Board mentioned that Chatfield Engineers are to stop on the DAM and Shoreline restoration project as the associated costs could be covered under the DEC's proposed ecosystem restoration.

Dear LTC Jansen:

In accordance with the provisions of Section 206 of the Water Resources Development Act of 1996, the Village of Lyndonville is requesting Corps of Engineers assistance in addressing an ecosystem restoration problem at Johnson Pond.

We are fully aware of the following non-Federal requirements associated with projects under the Section 206 authority.

- Feasibility Phase: The first \$100,000 is funded by the Federal government. Costs above \$100,000 are shared 50% Federal and 50% non-Federal.
- Design and Implementation Phase: The non-Federal sponsor is responsible for costs of all lands, easements, relocations and disposal areas. If this amount is less than 35% of the total project cost, the non-Federal sponsor must provide either in-kind services or an additional cash contribution to make the total equal 35% of the total project cost.

We are aware that this letter serves as an expression of non-Federal intent to cooperate on this project and is not a contract obligation. Either party may discontinue this effort at any point prior to construction.

**RESOLUTION NO 2014-95**

**LETTER OF INTENT**

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey to authorize Mayor McAvoy to execute the letter of intent with U.S. Army Engineer District in Buffalo.

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

- Orleans County - GLOW - Clerk-Treasurer Woodworth to contact Jim Bensley of Orleans County to find out where resident can dispose of paint.
- Police Car - Informed the Board the Police car is burning a lot of oil and is probably going to need to be replaced in the near future.

**Report – Trustee Tuohey**

- Nothing

**Report – Trustee Tuk**

- NFAVO dinner meeting - Trustee Tuk inquired if the all the arrangements have been set for the October dinner meeting given that Village of Lyndonville is hosting. Clerk-Treasurer Woodworth will be sending out the details in the next week or so.
- Fire Department Sign - Trustee Tuk asked if the Village meetings are posted on the Fire Departments sign yet. Clerk-Treasurer Woodworth will get in contact with Jim Scharlau regarding the sign.
- Ho Jack Ice Cream Shack - Trustee Tuk stated after reviewing the Orleans County Planning Board minutes from February 25, 2010 meeting its clear that the owners of the Ho Jack were ill served by the Village Code Enforcement Officer. The property should of had a formal review and failed to happen when the Code Enforcement Officer didn't do his job properly. Had the proper procedures been followed the requirements of having a fence would have been addressed at that time.

**Report – Trustee Woodward Jr.**

- Nothing

**Report – Trustee Covell**

- Nothing - Excused

**Report – Mayor McAvoy**

- Mayor McAvoy mentioned about cracking down on customers who don't pay their water/sewer bills in a timely manner. Mayor McAvoy presented eliminating the DPW putting on door knockers the day prior to the shut off date and just start shutting customers off on the shut off date. Superintendent Woodworth stated that was done in the past and it didn't create good public relations between the customers and the Village. Mayor McAvoy stated he will be looking to discuss this in the near future.
- Clerk-Treasurer Woodworth informed the Board that residents are leaving cash payments for their water/sewer bills in the drop box and would like to discuss a policy to ensure that the cash received is properly documented. The Board decided if cash payments are left in the drop box they are be opened, counted, documented and signed off on by two Village officials.
- Overpayment of water/sewer bill - Clerk-Treasurer Woodworth noted that customer NL-1169 made a duplicate payment on the water shutoff charge of \$50.00 and is requesting to refund the customer \$50.00.

**RESOLUTION NO 2014-96**

**REFUND OF OVERPAYMENT ON WATER/SEWER BILL**

**ON MOTION** of Trustee Tuohey, seconded by Trustee Tuk to refund \$50.00 to customer NL-1169 for overpayment on a shut off charge.

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**NEW BUSINESS:**

- Village Zoning Map - Clerk-Treasurer Woodworth presented the Board with Village maps she obtained from Jim Bensley, a pictometry map of the Village, the 2003 Village Zoning map and a proposed updated Village Zoning map. Mr. and Mrs. Champlin expressed concerns if their property at 155 North Main Street was rezoned.

<b>Address</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
240 West Avenue	Single Family Residential	Single Family Residential
29 West Avenue	Single Family Residential	Light Industrial
155 North Main Street	Single Family Residential	Light Industrial
Rak	Single Family Residential	Light Industrial
148 North Main Street	Single Family Residential	Light Industrial
24 Rail Road Ave	Single Family Residential	Light Industrial
30 Rail Road Ave	Single Family Residential	Light Industrial
24 Housel Ave	General Business	Single Family Residential
18 Housel Ave	General Business	Single Family Residential
5 Creekview Drive	Central Business District	Single Family Residential
11 Creekview Drive	Central Business District	Single Family Residential
203 South Main Street	Agricultural	Single Family Residential

- Superintendent Woodworth is working on obtaining three blacktop quotes to complete the repairs to the parking lot at the E-Z Shop, the Board may need to hold a special meeting once the quotes are obtained.

**ON MOTION** of Trustee Tuk, seconded by Trustee Tuohey, to adjourn the meeting at 7:47 p.m.

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

*Teri Woodworth*  
Clerk-Treasurer