

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, September 9, 2013 at the Village Hall. Meeting opened at 7:02 p.m.

PRESENT: Mayor: Stephen C. McAvoy
Trustees: James Tuk
Ellen Tuohey - Absent
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Douglas Rue
Attorney David Schubel
Fire Chief Jason Gerety - Absent
Public: Mattie Zarpentine, Joel Zarpentine and Howie Balaban

APPROVAL OF THE MINUTES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to accept the minutes of the August 1, 2013 Special meeting and the August 12, 2013 Regular meeting.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR:

- Nothing

USE OF FACILITIES

- Fire Hall – Terry Woodworth is requesting use of the Fire Hall Meeting Room and Kitchen on October 19, 2013 from 12:00pm to 7:00pm.

RESOLUTION NO 2013-76

USE OF FACILITIES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to approve the use of facilities for Terry Woodworth to use the Fire Hall on October 19, 2013.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

Report – Fire Chief Gerety

- Absent
- Clerk-Treasurer Woodworth read report - YTD calls – 157, MTD calls – 22 (7 – EMS in Town, 7 – EMS in Village, 2 – MVA in Town, 1 – Natural Gas Leak, 1 – Smoke in the Building, 1 – Automatic Alarm, 2 – M/A FAST to Medina and 1 – M/A to Ridgeway)
- Lyndonville Lions Club will be having their Pumpkin Carving at the Fire Hall mid October.
- Clerk-Treasurer Woodworth noted she has not received the Fire Departments Financial State of Games of Chance Operations that is due 7 days after each license period. Trustee Woodward Jr. stated he would contact LFD President Schuner regarding the form. Clerk-Treasurer Woodworth stated the originals back to 2005 are needed as well.

Report – Code Enforcement Rue

- Code Enforcement Rue stated he thought he had given a monthly report to Clerk-Treasurer Woodworth, he will make sure he has one next month. However he has the Village covered pretty well with violations.
- Mayor McAvoy stated he saw two sheds sitting side by side with a covered and sided walkway. Code Enforcement Rue stated it would make it one building.
- Mayor McAvoy asked if 67 Eagle Street would be getting cleaned up. Code Enforcement Rue stated the owner came in and stated he is going to be evicting the tenants as they are \$6,000.00 to \$7,000.00 behind in rent.
- Trustee Tuk inquired if the property on the corner of West Avenue and North Main Street was to code with their butterfly bushes hanging over the sidewalk, their fences and their dogs. Code Enforcement Rue stated the weeds law has exceptions. Trustee Tuk stated he’s heard several complaints regarding the property; people just don’t come to meetings. Trustee Tuk has tried encouraging residents to at least fill out a complaint form. Residents just want to see properties taken care of the way the rest of us do.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to open the Public Hearing at 7:15PM for Local Law 2-2013 The Brush, Grass and Weeds Removal.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

§113-1. Title.

This chapter shall be known as the “The Brush, Grass and Weeds Removal Local Law of the Village of Lyndonville, New York”, and which shall be included in the Code of the Village of Lyndonville as revised Chapter 113.

§113.2. Purpose.

The purpose of this chapter is to promote the public health and safety by the removal of fire and health hazards by requiring the owners of land to cut, trim or remove brush, grass or weeds.

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§113-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Brush

A thick growth of small trees and shrubs.

Grass

Any of various green plants typically with long narrow leaves that grow densely and are cultivated for lawns.

Weeds

Any undesired, uncultivated plant growing so as to crowd out a desired crop or growth or to disfigure a lawn.

§113-4. Maintenance requirements; noncompliance procedure.

Every owner of land within the Village of Lyndonville shall cut, trim or remove brush, grass or weeds of a height of 10 inches or more from premises owned by him or her to a depth of at least 150 feet from any adjoining street right-of-way and 150 feet from adjoining developed property lines; and upon default the Village of Lyndonville may cause such brush, grass, weeds or other material to be cut, trimmed or removed by said Village, and the total cost thereof shall be assessed upon the real property on which such brush, grass or weeds are found.

§113-5. Collection of costs; fees.

- A. The cost of cutting, trimming or removing such brush, grass or weeds shall constitute a lien and charge upon the real property involved until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of taxes.
- B. The Village Board of Trustees shall, from time to time, establish by resolution the method, rates and other particulars by which such cost shall be determined and calculated, and such Board may also establish a minimum cost for each occasion where such brush, grass or weeds are cut, trimmed or removed.

§113.6. Service of notice of violation; time for compliance.

Before the Village of Lyndonville shall remove, cut or trim such brush, grass or weeds and assess the costs thereof upon the real property upon which such brush, grass or weeds are found, notice shall be given to the owner thereof by either personal service or by mail addressed to the last known owner at his or her last known address as shown on the tax rolls of the Village. Such service shall be sufficient for all purposes. Such service shall set forth the violations and direct compliance within five days from the date of such notice. All such notices shall be signed and issued by the Village Clerk. If there is a failure of compliance within said five-day period, the Village may then cause the removal, trimming or cutting and assess the costs as hereinabove provided.

§113.7. Exclusion of certain vegetation.

The provisions of this chapter shall not apply to cultivate crops, cultivated shrubs, cultivated trees or other landscaping and also shall not apply to weeds or grass that are intermingled with growing cultivated crops until such time as said crops are harvested or should have been harvested.

§113.8. Penalties for offenses.

- A. The Village of Lyndonville may cause appropriate legal proceedings to be commenced to levy and assess a civil penalty against any person who violates any provision of this chapter, such civil penalty to be in an amount not less than \$125 and not to exceed \$250 for each violation. The Village Attorney is authorized to institute the necessary proceedings to levy and collect any such civil penalty.
- B. Each day of violation continues after notice of violation shall constitute a separate violation of this chapter. No additional notices shall be required for continuing violations, and an additional fine may be imposed and/or an additional penalty may be assessed against the owner of said premises for each day the violation exists.

§113.9

- (a) This local law shall take effect immediately upon filing in the Office of the Secretary of State.
 - (b) If any part or section of this Local Law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
 - (c) Chapter 113 as adopted by the Village Board on September 24, 1947 and all local laws, ordinances, rules or regulations of the Village of Lyndonville or parts or portions thereof that conflict or are contrary to any portion of this Local Law are hereby repealed.
- Mayor McAvoy stated the new Local Law will have a grass length of 10 inches and then mowing will be required instead of just mowing the first week of June, July, August and September each year. Superintendent Woodworth inquired if the changes to the Local Law would cover the property 87 North Main Street where part of the tree has fallen down. Attorney Schubel advised it would cover that and the Village could adopt a fee for trimming by resolution. Journalist Balaban stated the same thing happened in Iowa when he lived there.

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to close the Public Hearing at 7:22PM for Local Law 2-2013 The Brush, Grass and Weeds Removal.

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Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

• **CALLING FOR REPEAL OF THE “NEW YORK SAFE ACT”**

WHEREAS, the New York State Legislature enacted and Governor Andrew Cuomo signed into law the New York Secure Ammunition and Firearms Enforcement Act of 2013 (NY SAFE ACT); and

WHEREAS, this legislation is viewed by many citizens of the State of New York as being extremely controversial as those citizens view this Legislation as infringing upon their rights guaranteed to them under the second Amendment of the United States Constitution; and

WHEREAS, each and every issue that comes before the New York State Legislature before an enactment deserves a fair and open discussion which incorporates all points of views in order to ensure that all citizens are heard and that the Legislation incorporates the various points of view expressed during that discussion and benefits all of the citizens of the State of New York; and

WHEREAS, the NY SAFE ACT was adopted after minimal public discussion, contains serious flaws, i.e., police officers are not exempt, and having been on the desks of the members of the New York State Legislature for only a few hours, thereafter was literally adopted in the night and signed into law by Governor Andrew Cuomo; and

WHEREAS, the Governor has pledged to inflict no new unfunded mandates on local governments yet the Act contains no provision for funding the additional duties being imposed upon local Mental Health Departments, County Clerks, or local law enforcement agencies and as such constitutes yet another unfunded mandate by the State upon local municipal government with no corresponding revenue; and

WHEREAS, the Lyndonville Village Board opposes the process of enactment and certain provisions contained with the New York Safe Act which infringes upon the right of the people to keep and bear arms; and

WHEREAS, it is believed that many Village residents are deeply concerned with this legislation, its effects, and the undue haste with which it was enacted; be it

RESOLVED, that the Lyndonville Village Board calls for reconsideration and repeal of the so called NY SAFE ACT of 2013; and be it

FURTHER RESOLVED, that copies be sent to New York State Governor Andrew Cuomo, Senator George Maziarz, Assembly members Steve Hawley and Jane Corwin, NYSAC, Orleans County Legislature, Orleans County Towns and Villages, and all others deemed necessary and appropriate.

RESOLUTION NO 2013-77
CALLING FOR REPEAL OF THE “NEW YORK SAFE ACT”

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to call for repeal of the “New York SAFE Act”.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

Report – Attorney Schubel

- Nothing

Report – Clerk-Treasurer Woodworth

- Clerk-Treasurer Woodworth stated KVS was unable to install their program on her PC and a new PC has been ordered and should be here next week.
- Vouchers – Abstract A4 #937 & #986 to be paid

General	\$ 23,191.43
Water	\$ 44,212.04
Sewer	\$ 14,735.20
Capital	<u>\$ 200,032.63</u>
Grand Total	\$ 282,171.30

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to open the Public Hearing at 7:30PM for Local Law 3-2013 Providing for Discontinuance of Water Service.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

Section 1. Section 230-18 of the Village Code of the Village of Lyndonville is hereby repealed and rescinded. In its place and stead, a new Section 230-18 is hereby enacted which shall provide as follows:

Should the owner of property or consumer water fail to pay water rents or to comply with any of the provisions of this chapter and any amendments thereto the Board of Water Commissioners, in addition to any other remedies granted to it, may discontinue the water supply to such premises. On five days notice to such owner or consumer, if water service is so terminated at a premises that has been issued a certificate of occupancy under Chapter 240, Zoning, of the Code of the Village of Lyndonville or under any other local law, ordinance, rule or regulation of the Village or enforced by the Village, such certificate of occupancy shall be automatically suspended, and if the premises are inhabited, such premises shall be vacated pursuant to Village code enforcement procedures. Such certificate of occupancy shall not be reinstated or reissued until water service has been reestablished and the premises have been inspected by the Code of Enforcement Officer and it

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has been determined that the premises are in compliance with all applicable laws, ordinances, rules and regulations and, in the case of inhabited premises, that the same are now safe for habitation. There shall be a fee, as set from time to time by the Board of Trustees, payable by the owner to the Village Treasurer for the cost of such inspection and for reissuance of the certificate of occupancy. The Board of Trustees may, from time to time, increase or reduce such fee by resolution.

Section 2.

- (a) This local law shall take effect immediately upon filing in the Office of the Secretary of State.
 - (b) If any part or section of this Local Law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
 - (c) All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this Local Law are hereby repealed.
- Code Enforcement Rue inquired if a fee would be charged for obtaining a Certificate of Occupancy. Mayor McAvoy stated that all fees would be set by resolution. The Board discussed allowing 24 hours to pay on a delinquent water bill after the water services have been turned off before the property owner would lose their Certificate of Occupancy. Mayor McAvoy added he would just like this to scare the list of chronic late customers. Trustee Tuk inquired if there was anything in law that states water services can't be shut off if children reside in the home. Attorney Schubel confirmed there's nothing.

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to close the Public Hearing at 7:44PM for for Local Law 3-2013 Providing for Discontinuance of Water Service.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to open the Public Hearing at 7:45PM for Local Law 4-2013 Providing for Removal, Maintenance and Protection of Trees Within the Village of Lyndonville.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

SECTION 1. This Local Law is to revise §240-20 of the Code of the Village of Lyndonville. §240-20 is revised to provide for as hereinafter set forth in Section 2 of this Local Law. §240-20 as currently adopted and all local laws, ordinances, rules or regulations of the Village of Lyndonville or parts or portions thereof that conflict or are contrary to any portion of this Local Law are hereby repealed.

SECTION 2. §240-20 shall provide as follows:

- A. The purpose of this Local Law is to protect the health, safety and welfare of both the public and the trees in the Village of Lyndonville by providing for the removal, maintenance, and protection of trees within the public rights-of-way and public areas by eliminating and by guarding against dangerous conditions which may result in injury to persons as well as to prevent damage to any public sewer or water main, street, sidewalk or other public property.
 - B.
 - i) The Village shall have the right to prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, lanes and public grounds of the Village of Lyndonville as may be necessary to insure public safety.
 - ii) The Village Board may order to be removed any tree or part thereof in the lines of all streets, alleys, lanes and public grounds which is in an unsafe condition, or which by its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvement.
 - C. The Superintendent of Public Works shall have the right to cause the removal of any dead or diseased trees on private property within the Village of Lyndonville when such trees constitute a hazard or danger to the public and may cause interference with traffic or damage or injury to pedestrians or property. The Village Clerk will notify, in writing, the owners of such trees by mail to the last known address as shown on the Village tax rolls. Removal shall be done by said owners at their own expense within 30 days of such notice. In the event of failure of owners to comply with such provisions, or in the event of immediate harm or danger to persons or property, the Superintendent of Public Works shall have the authority to remove such trees. The cost of removing or trimming such trees shall constitute a lien and charge upon the real property involved until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of taxes.
 - D. This local law shall take effect immediately upon filing in the Office of the Secretary of State.
- Mayor McAvoy stated we had Local Law regarding Tree's in the past but it was very general.
 - Superintendent Woodworth stated the owner of the Lyndonville Post Office came to him regarding a dead tree on the neighboring property that is dead and hanging over the Post Office's property. With this new Local Law it will give the Superintendent of Public Works the authority to contact the property owner regarding the tree and be able to take action on getting it removed for safety of the community.

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr, to close the Public Hearing at 7:52PM for Local Law 4-2013 Providing for Removal, Maintenance and Protection of Trees Within the Village of Lyndonville.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

RESOLUTION NO 2013-78

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VOUCHERS TO BE PAID

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth to pay Abstract A4Vouchers #937- #986.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Clerk-Treasurer Woodworth noted that the Orleans County Self-Insurance is expected to decrease in 2014.

Report – Superintendent Woodworth

- Asked Mayor McAvoy to sign the contract to auction off excess equipment.
- E-Waste Shed is up and running. Superintendent Woodworth is getting signs made that will state the shed is open from 8:00AM to 3:00PM Monday through Saturday. Also the Albion Redemption Center had to get a new permit with moving the location from the Pennysaver to the DPW garage, their permit will be displayed as well.
- Superintendent Woodworth showed the Board pictures of the brush pile behind the DPW as to what types of material is being dumped. Superintendent Woodworth stated Officer Riemer is keeping a closer eye on the dump site but it's still happening. Superintendent Woodworth showed pictures of the of the Dump Site sign that had been destroyed by a vehicle crashing into it. Officer Riemer did locate the sign hidden in some bushes close to the dump site. Superintendent Woodworth stated we may need to consider closing the dump site, he doesn't know what else to do. Trustee Tuk stated maybe the Village needs to get some wireless camera's up around the area and see who is doing the illegal dumping. Trustee Tuk asked what the DEC's position was on the Village's dump site. Superintendent Woodworth stated in the past they wanted the Village to shut it down but with only allowing biodegradable materials they are okay with it.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to open the Public Hearing at 8:00PM for Local Law 5-2013 Increasing Sewer Rate Availability By Amending Chapter 190 of the Code of the Village of Lyndonville, New York.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

Section 1. Section 190-14 (E) of the Code of the Village of Lyndonville is hereby changed and amended so as to provide for an increase in the sewer availability charges imposed on each class. The rate schedule effective December 1, 2013 shall be as follows:

Class	Charge
Class 1 1 service unit, less than 150,00 gpy	Availability charge: \$100.00 per year; \$5.20 per 1,000 gallons of 95% metered water
Class 2 First service unit Each additional service unit Flow charge	Availability charge: \$100.00 per year Availability charge: \$50.00 per year \$5.20 per 1,000 gallons of 95% of metered water
Class 3 Each service unit	Availability charge: \$260.00 per Nonprocess waste in excess of year \$5.20 per 1,000 gallons of 95% 150,000 gpy of metered water
Class 4 Each service unit Process waste and sanitary	Availability charge: \$340.00 per year \$5.20 per 1,000 gallons of 95% metered water; plus charge for excess BOD, suspended solids, COD, acidity, pH and testing per local law

Section 2. All local laws or regulation, or parts or portions thereof that conflict or are contrary to any provision of this local law are hereby repealed.

Section 3. This local law shall take effect immediately upon its proper filing as required by law.

- Journalist Balaban inquired when the increase was done on the Availability charges. Superintendent Woodworth stated it's never been increased since it was established over 30 years ago.

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr, to close the Public Hearing at 8:02PM for Local Law 5-2013 Increasing Sewer Rate Availability By Amending Chapter 190 of the Code of the Village of Lyndonville, New York.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Mayor McAvoy stated with the changes that have been made in the last year maybe now we'll be able to straighten out for the future on the Sewer budget. Trustee Tuk stated in the past the Sewer budget relied on the interfund transfers from the general fund too much.
- Paving - Superintendent Woodworth would like to go with the County's bids and pave Lake Avenue, Willowbrook Drive to Maple Avenue. Mayor McAvoy asked Attorney Schubel if the Village needed to obtain

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three bids for this project? Attorney Schubel stated as long as we are going with the County's bids three bids were not necessary. Superintendent Woodworth stated the Village could save \$5,000.00 if the Village supplied the trucks and laborers for the project. Mayor McAvoy stated spend the extra money we don't need to have the Village employee's involved in the project. Trustee Tuk asked how soon would the paving happen? Superintendent Woodworth stated soon, Keeler was looking to start end of September, first of October. Mayor McAvoy inquired how long would it take to complete the paving. Superintendent Woodworth stated it could be completed in a day, and he would see to it residence were notified of the paving in advance.

RESOLUTION NO 2013-79

PAVING LAKE AVENUE, WILLOWBROOK DRIVE

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to approve paving of Lake Avenue and Willowbrook Drive to Maple Avenue not to exceed \$55,000.00.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- VibraNostics, LLC - They do the vibration testing of pump at the Water Treatment Plant. Superintendent Woodworth had them test the pumps at all three sewer lift stations since the completion of the upgrades. They found a few things that need to be fixed, like some lose bolts. Superintendent Woodworth has a call into Chatfield's office to get these items fixed.

Report – Trustee Tuohey

- Absent

Report – Trustee Tuk

- Trustee Tuk inquired if the sidewalk project had been put out to bid yet? Superintendent Woodworth stated it was going out this week. Trustee Tuk stated the project should be \$15,000.00 or less and if the project was going to be done this year we would need to have a special meeting to approve the bids. Trustee Tuk stated if the bids were close to last year's bids we should be able to get the really bad sections of sidewalk on Maple Avenue. Superintendent Woodworth stated he has enough stone to for the project, he had summer help haul it in before they were done for the summer.
- Fire Department new truck request - Trustee Tuk stated that Board needs information and a meeting scheduled to discuss the Fire Departments request of a new truck. Trustee Tuk asked if the Fire Department has ever been independently audited. Trustee Woodward Jr. stated he doesn't believe so and added that the Fire Department has only two fund raisers a year and the money from those was used towards Lyn 65, Lyn 25, the storage building, as well as used towards uniforms and t-shirts. The Fire Department took out a loan for the addition on the back of the building. Mayor McAvoy stated with the State Comptroller's audit the Fire Department was not looked into. Trustee Woodward Jr. add the Village and Town don't cut the Fire Department one big check is why. Trustee Tuk added maybe we should look into going that direction.
- Trustee Tuk inquired if Superintendent Woodworth found a new box truck yet? Superintendent Woodworth stated he was still looking around and that they may go with a smaller truck this time.
- Trustee Tuk asked if we were all set with equipment for sidewalk snow removal this year. Superintendent Woodworth stated he is looking at a rental agreement with a local farmer again, that he just can't justify spending money on a piece of a equipment that we have no other use for than snow removal.

Report – Trustee Woodward Jr.

- Nothing

Report – Mayor McAvoy

- Mayor McAvoy stated he hadn't heard from former Trustee Whipple regarding the pond project. Mayor McAvoy sent an email to US Army Corps of Engineers and he has a call into the DEC. He was able to speak with Judy from the Water Conservation but they need the report of the results from the testing that was done before.

OLD BUSINESS:

- Overpayment of Prior Clerk-Treasurer – Mayor McAvoy asked Attorney Schubel to start the process to have a lien put again prior Clerk-Treasurer Ames.
- Western Orleans Comprehensive Plan - Trustee Tuk stated he felt it was just more government regulations and controls over municipalities and he's not in favor of the proposal from Stuart Brown.
- Fixed Assets Appraisal - Clerk-Treasurer Woodworth obtained three quotes:
 - Industrial Appraisal Company - \$4,995.00 with an option of \$575.00 to have equipment tagged
 - Maxwell Appraisal Service- \$8,500.00 for all real property and equipment
 - Upstate Appraisal Services Inc. - Not interested due to distance

RESOLUTION NO 2013-80

FIXED ASSETS APPRAISAL

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to accept the bid of Industrial Appraisal Company to do the Fixed Assets audit for the Village of Lyndonville.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

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NEW BUSINESS:

- Capitalization Policy - The Board discussed the amount to set for the Capitalization Policy and decided on \$500.00.

**RESOLUTION NO 2013-81
CAPITALIZATION POLICY**

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to set the dollar amount at \$500.00 for the Village of Lyndonville's Capitalization Policy.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Appointment of Deputy Mayor - Mayor McAvoy would like to appoint Trustee Tuk as Deputy Mayor.
- New Board Member - Mayor McAvoy stated we don't have a new member at this point.
- Training - 2013 Advanced Accounting School by the State Comptroller's Office will be October 22, 2013 - October 24, 2013 in Arcade NY. Clerk-Treasurer Woodworth, Mayor McAvoy and Trustee Tuk would like to attend. The cost is \$85.00 per person.

**RESOLUTION NO 2013-82
TRAINING FOR CLERK-TREASURER WOODWORTH, MAYOR MCAVOY & TRUSTEE TUK**

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to approve Clerk-Treasurer Woodworth, Mayor McAvoy and Trustee Tuk to attend the Advanced Accounting School by the State Comptroller's Office in Arcade NY from October 22, 2013 - October 24, 2013.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Waste Water Treatment Plant Upgrades Project Budget Modifications - Clerk-Treasurer Woodworth presented the Board with the proposed adjustments. Clerk-Treasurer Woodworth explained she was able to get USDA Rural Development to reimburse the Village for the following:
 - \$50,000.00 that was loaned to the Waste Water Treatment Plant Capital Bank account in August of 2010
 - \$7,963.64 in payroll for Superintendent Woodworth's hours as inspector on the project from October 2011 to October 2012.
 - \$146.63 in postage charges.

**RESOLUTION NO 2013-83
WASTEWATER TREATMENT PLANT UPGRADES PROJECT BUDGET MODIFICATIONS**

WHEREAS, the Village of Lyndonville has received a Loan and Grant from Rural Development for their Wastewater Treatment Plant Upgrades; and

WHEREAS, Rural Development requires the Village Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

RESOLVED, that the Village Board of the Village of Lyndonville authorizes the following Administrative Budget modifications.

Net Interest	Increase of	\$9,775.81
Fixed Asset	Increase of	4,995.00
Technical Force	Increase of	7,963.64
Bond Counsel	Decrease of	2,047.00
Fiscal Coordination	Decrease of	588.29
Borrowing & Reporting	Decrease of	32.67
Single Audit	Decrease of	200.00
Miscellaneous	Decrease of	3,712.65
Contingency	Decrease of	16,153.84

	AYE	NAY	ABSENT
Stephen McAvoy, Mayor	<u>X</u>	---	---
James Tuk, Trustee	<u>X</u>	---	---
Danny Woodward Jr., Trustee	<u>X</u>	---	---
Tuohey, Trustee	---	---	<u>X</u>

- The Board decided to accept Local Law 2-2013 The Brush, Grass and Weeds Removal, for Local Law 3-2013 Providing for Discontinuance of Water Service, Local Law 4-2013 Providing for Removal, Maintenance and Protection of Trees Within the Village of Lyndonville and Local Law 5-2013 Increasing Sewer Rate Availability By Amending Chapter 190 of the Code of the Village of Lyndonville, New York.

RESOLUTION NO 2013-84

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ACCEPTANCE OF LOCAL LAW 2013-2, 2013-3, 2013-4 & 2013-5

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to accept Local Laws - 2013-2, 2013-3, 2013-4 and 2013-5.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Fees - The Board decided to review, update and vote on the Village's Fee Schedule at the next Board meeting.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to adjourn the meeting at 8:48 p.m.

Vote: 3 Ayes (McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

Teri Woodworth
Clerk-Treasurer