

REGULAR MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY, APRIL 20, 2010, AT 6:00 P.M. AT THE VILLAGE HALL, 76 WILLIAM STREET, LYONS, NEW YORK.

PRESENT: Corrine Kleisle, Mayor
Dennis Alvaro, Deputy Mayor
Richard Evangelist, Terry VanStean, Trustees
Arthur Williams, Village Attorney (Left at 6:54 P.M.)
Denise Darcangelis, Clerk-Treasurer
Michael Salerno, General Working Foreman

ABSENT: Joanne Greco, Trustee
Michael Donatly, Police Chief

Mayor Kleisle welcomed everyone present and all stood for the pledge to the flag.

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that the minutes of the following meetings be approved as submitted: regular meeting held on March 16, 2010, Budget Workshop Meeting on March 18, 2010, Bid Opening on March 19, 2010, Special Meeting on March 23, 2010, Public Hearing on April 6, 2010, and the Budget Hearing held on April 12, 2010.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Mayor Kleisle introduced Mr. Lewis Nau, 101 William Street. Mr. Nau asked to speak to the Village Board regarding an ongoing skunk problem in his neighborhood. He presented pictures to the Village Board of food and water left out for stray cats at a house that is vacant. He believes that people leaving food out for their pets at night are attracting the skunks. Mr. Nau would like to see some type of ordinance that people cannot leave food out for animals at night. After a lengthy discussion, the Village Board agreed to put an ad in the paper asking residents to take in all animal food in at night to try to deter the skunk problem.

Discussion took place regarding 6 Rice Street nuisance violations. Village Attorney, Arthur Williams, presented to the Village Board their options to proceed with this property. Trustee Evangelist stated he wants to send a message to the landlords that don't care.

RESOLUTION offered by Mr. Evangelist, second by Mr. VanStean

RESOLVED that the Village Board authorizes Village Attorney, Arthur B. Williams, Esq. to proceed with the 90 day consent order for the property located at 6 Rice Street.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Village Attorney, Arthur B. Williams, Esq. left at 6:54 P.M.

RESOLUTION offered by Mr. Alvaro, second by Mr. VanStean

RESOLVED that the audit be approved as submitted #914-#922 General, Water, and Sewer Fund \$167,467.79, #923-#984 General, Water, and Sewer Fund \$92,162.82, #985-#986 Capital Project-Canal Park \$7,522.55, #987-#993 Capital Reserve Account-Water Tank Truck 8, \$4,049.94, #994-#995 Capital Project-CDBG-R \$4,169.96, #996-#997 Trust & Agency Account-Drug Forfeiture \$324.01, #998-#1001 Capital Project-GIGP \$69,517.76, #1002 Trust & Agency Account \$50.00, #1003-#1005 Trust & Agency-D.A.R.E \$779.32.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Mayor Kleisle introduced Lucas Aunkst. He is a Junior at Lyons Central School and a Lyons Youth Ambassador for the Lyons Main Street Program. He has been shadowing the Mayor the past few days. Job shadowing is a requirement by the Lyons Central School. He visited the Department of Public Works, went to job sites to see the projects throughout the Village and gathered a lot of good information.

Mayor Kleisle stated she had a conversation with Gus Wehbe, from Barton and Loguidice. He stated he spoke with Brian Sherman from the New York State Department of Transportation and Brian authorized them to submit the PS & E package. Brian also stated funding is now available for the construction of the West Water Street Bridge. For Information Only.

The Treasurer's report was given and a request that the overdrawn funds be brought into balance.

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that the overdrawn funds be balanced in the general, water, and sewer funds. (See attached)

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

The Clerk-Treasurer asked that a resolution be passed for the relevy of the outstanding Village of Lyons water and sewer rents, departmental earnings, certificate of occupancy, non-compliance, and service connections fees prior to January 1, 2010 in the amount of \$8,199.05. (Copy attached)

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that the Village of Lyons relevy to the Wayne County Treasurer the outstanding water and sewer rents, departmental earnings, certificate of occupancy, non-compliance, and service connections fees prior to January 1, 2010 in the amount of \$8,199.05.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

RESOLUTION offered by Mr. Alvaro, second by Mr. VanStean

RESOLVED that inasmuch as the Village of Lyons receives funds from the Governor's Office for Small Cities that a Fair Housing notice must be published every three months, whereas the Notice for Fair Housing is published on behalf of the Village of Lyons.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

RESOLUTION offered by Mr. Evangelist, second by Mr. VanStean

RESOLVED that authorization is granted to increase the budget by \$30,000 for the PON0004 Grant.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

The Village Justice Report for March 2010 has been received and placed on file for future information.

Mayor Kleisle announced a public meeting will be held on Thursday, April 29, 2010, at 7:00 P.M. at the Village Hall. The purpose of the meeting is to discuss "What can the Village of Lyons accomplish through sustainability?" Employees from Larsen Engineers will be the speakers. For Information Only.

RESOLUTION offered by Mr. VanStean, second by Mr. Alvaro

RESOLVED that permission is granted for the Lyons Youth Baseball and Softball to use Village Streets (William Street to Water Street on to Elm Street) on Saturday, May 1, 2010, at 9:00 A.M. for their opening day parade with participation from the Lyons Fire Department and escorted by the Lyons Police Department.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Mayor Kleisle read a letter of commendation from WayneNET Task Force thanking Michael Salerno, General Working Foreman, and the Village of Lyons for the use of the Village's side of the Joint Fuel Facility. Mr. Salerno accommodated them by getting up at 4:00 A.M. to move trucks and equipment so they could gather and brief before heading out to their assigned locations. Mayor Kleisle also thanked Michael Salerno for going "above and beyond".

Mayor Kleisle reported Route 31 between Lyons and Newark will be paved this summer. She has requested to the New York State Department of Transportation a turn lane for the properties of Frank Nicoletta, Dennis Kehoe and James Pacello. This would permit future development of these commercial areas. All three property owners will also send letters to NYSDOT appealing for a turn lane as well. For your information only.

Mayor Kleisle stated the Messenger Post has offered the 5 Canal Mayors a website ad for a cost of \$240 annually. If one or more does not participate the amount would increase.

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that permission is granted to participate with the 5 Canal municipalities to spend \$240 annually or up to \$400 if all 5 communities do not commit for the website ad offered by the Messenger Post.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Mayor Kleisle announced Murial Mania has been nominated as a finalist for the Erie Canalway Heritage Award of Excellence. She commented this is a prestigious award and Lyons would receive statewide recognition. She would like to send a letter to Mark DeCracker for "putting us on the map".

RESOLUTION offered by Mr. Evangelist, second by Mr. Alvaro

RESOLVED that Mayor Kleisle is authorized to send Mark DeCracker a letter thanking him for all of his involvement and hard work regarding "Mural Mania".

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Mayor Kleisle updated the Board on a meeting that was held on April 15th at the Joint Fuel Facility. They are working on the billings for the fuel and the surcharges. They are also considering a drop off location for Village and Town residents to put their brush. The town would assist in hauling and grinding all brush dropped off.

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that as the lead applicant for the LGE Functional Consolidation Grant Study, (Grant Contract #T-098811) has deemed the LGE project is a Type II SEQR, which is precluded from environmental review under Environmental Conservation Law.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that THIS MEMORANDUM OF UNDERSTANDING is made on April 20, 2010, by and between the Village of Lyons (the "Village"), a municipal corporation organized and existing under the laws of the State of New York, having its offices located at 76 William Street, Lyons, New York 14489 and the Town Lyons ("Town"), a municipal corporation organized and existing under the laws of the State of New York, having its offices located at 43 Phelps Street, Lyons, NY 14489, and the Lyons Central School District ("School District"), a school district organized and existing under the laws of the State of New York, having its offices located at 10 Clyde Road, Lyons, NY 14489 (Collectively the "Parties").

WHEREAS, the Parties are engaged in the Lyons Functional Consolidation Planning Study (the "Study") funded by the New York State Department of State (DOS) under the Local Government Efficiency (LGE) Grant Program; and

WHEREAS, the Village acting as lead agency for the Parties will enter an Agreement with the DOS to complete the Study

WHEREAS, the School District will assist the Village in grant administration through the preparation of contracts, vouchers and reports; and

WHEREAS, the Village by Agreement with the DOS will be responsible for coordinating the collection and submittal by the Parties of the ten percent (10%) matching funds requirement of the LGE grant; and

WHEREAS, the Village Board will submit a request for proposals (RFP) to acquire a qualified consulting firm to conduct the study and to prepare a study report, which will be submitted to the Parties; and

WHEREAS, the Parties have formed a Study Steering Committee (the "Committee"); and

WHEREAS, the study does not hold any partner to any particular action in the future; and

WHEREAS, as part of its Study, the Committee must gather and analyze data from each of the Parties, including but not limited to information about each participant's operations, staffing, budget, taxes, districts, equipment, agreements, and other matters; and

WHEREAS, the Parties are interested in the Study and wish to be informed of the progress of the Study and provide input to its preparation; and

WHEREAS, the Parties have been working in cooperation to further the progress of the Study and wish to confirm their cooperation in writing,

NOW, THEREFORE, the Parties mutually agree as follows:

1. The Parties agree to provide the Consultant with such data and information as the Consultant requests (where available), including data regarding operations, staffing, budget, taxes, financial results, equipment, agreements, and other matters.
2. The Parties agree to make records and data available to the Consultant, upon reasonable advance notice and during regular business hours.
3. The Parties agree to make their staff, department heads, and elected officials available to the Consultant for interviews or for attendance at Committee meetings, provided the Committee and/or Consultant requests such interviews and/or attendance with reasonable advance notice and causes minimal disruption to the Parties' operations.
4. The Committee will keep the Parties informed of the Study's progress and will

provide updates periodically and any reports issued by the Consultant.

5. The Village will make payments to the Consultant and will request reimbursement of the LGE grant share of the Study costs from the DOS. The Village will provide its own matching share. The Parties other than the Village agree to reimburse the Village up to one thousand dollars (\$1,000) each as their respective 10% matching shares for purposes of the Study. The Village will invoice the other Parties for the payment of the matching shares upon submission of the draft Study Report by the Consultant.
6. The Committee will notify the Parties of its regular and special meetings and to provide notice of any public hearings that the Committee convenes.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Mayor Kleisle stated the retaining wall for the North Side/South Side Canal Project is 90% complete. She would like to add another retaining wall to the North side of the project 3 stones high with a cap on it. The cost to do this is \$5,468.45.

RESOLUTION offered by Mr. Evangelist, second by Mr. VanStean

RESOLVED that permission is granted to purchase the stone for the retaining wall for \$5,468.45.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Jerry Ashley, Lyons Main Street Program Manager, thanked Kyra Yon, Director of the Goal Chaserz, as well as Americorps Volunteers, the Village of Lyons and our own volunteers for making Saturday, April 17th a very special workday. These organizations came together - all ages working together - to help beautify our waterfront. A total of 132 volunteer hours was banked - or \$1,980.00 in volunteer services - to help defray the in-kind services that the Village has to provide for the Canal Waterfront project grant.

He also publically gave a special thanks to Mike Salerno and the Village DPW, the Lyons Fire Department for allowing shelter from the cold winds and sprinkles, Sharon Lubitow for her donation of cookies, the Lyons Chamber of Commerce for their donation of goodies and to the Goal Chaserz for their hospitality in sharing their lunches with their fellow workers.

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that permission is granted for someone from the Lyons Fire Department and someone from the Department of Public Works to attend a free pipeline safety emergency response program on May 13, 2010, at 5:30 P.M. at the Holiday Inn in Waterloo.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Trustee VanStean announced the Annual Water Quality Report has been completed and filed with New York State Department of Health. The report is on file with the Village Clerk and will be published in the Shopping Guide.

Trustee Evangelist read the Lyons Police Department report for the month of March. On file for future information. He informed the Board there have been several businesses and cars that have been broken into. They have found the individual breaking into the cars, and are still investigating the businesses that have been broken into.

Trustee Evangelist questioned Michael Salerno, General Working Foreman, if he had looked at the tree at 105 Catherine Street. Mr. Salerno stated the tree was healthy.

RESOLUTION offered by Mr. Alvaro, second by Mr. Evangelist

RESOLVED that the homeowner of 105 Catherine Street has permission to remove the tree between the sidewalk and the curb at their expense. The Lyons Department of Public Works may assist with the removal of the roots from the tree if needed.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

RESOLUTION offered by Mr. Evangelist, second by Mr. VanStean

RESOLVED that permission is granted for James Murphy, Code Enforcement Officer, to attend the Wayne County Code Enforcement meeting at Conley's Cove on May 20, 2010, at 12:00 P.M, and use of vehicle is permitted.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Trustee Alvaro read the Street Department report. On file with the Village Clerk.

Heidi Morgenstern, 63 Elmer Street, requested stop signs at the following areas, corner of Baltzel and Shuler, where the two streets join, Cross Street and Shuler Street, and Cross Street and Elmer. She stated there has been much

confusion and near accidents. She also requested "Children at Play" signs the corner of Baltzel and Shuler, corner of Elmer and Cross Street. Trustee Evangelist will discuss this request with Chief Donalty and report back.

Mayor Kleisle presented the monthly and annual Lyons Fire Department Report. On file with the Village Clerk.

RESOLUTION offered by Mr. Alvaro, second by Mr. VanStean

RESOLVED that Fire Chief Witt, 1st Assistant Robert Darcangelis, 2nd Assistant Jeffery Rios, and 3rd Assistant Aaron DiSanto elected for a two year term is approved by the Village Board.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that permission is granted for Richard P. Amundson, Superintendent of Lyons Central School, has permission to use the conference room at the Lyons Fire Department on May 25, 2010, starting at 7:00 P.M.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Jerry Ashley, Lyons Main Street Program Director, requested permission to use the Southside Canal Park on June 5, 2010, from 3:00 P.M. to 7:30 P.M. for a Canal Community Picnic. Mr. Ashley will stop by the Village Office to fill out a permit.

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that executive session be declared for employment history.

Executive Session declared at 8:14 P.M.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

RESOLUTION offered by Mr. Alvaro, second by Mr. VanStean

RESOLVED that regular session be resumed at 8:45 P.M.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

RESOLUTION offered by Mr. VanStean, second by Mr. Evangelist

RESOLVED that the meeting be adjourned.

AYES: Mr. Alvaro, Mr. Evangelist, Mr. VanStean

Meeting adjourned at 8:45 P.M.

Denise Darcangelis, Clerk-Treasurer

