

THE REGULAR MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY, NOVEMBER 8, 2011, 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, Joanne Greco, Terry VanStean, Trustees
Denise Darcangelis, Clerk-Treasurer
Michael Salerno, General Working Foreman
Arthur Williams, Village Attorney
Richard Bogan, Police Chief

Also Present: Val VanStean, Dan LaGasse, Roger Allen, Tom Virts, Kim Virts, Derek Anderson, and Jack McCranels

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

Mayor Kleisle introduced Valerie VanStean, Chairwoman of Peppermint Winter Wonderland. Ms. VanStean discussed the agenda for this year's festival, which will be held on November 26, 2011 at the Village Square Park. She requested permission to use the Village bucket truck and the fire truck on November 19, 2011, to install the lighting and use of the fire truck on November 26, 2011, to bring Santa to the park. She also requested the following streets to be closed for the Parade of Lights, which will start at 5:30 P.M. on November 26, 2011: Queen, Broad, Pearl, William, Church Street- back to the Court House and Police escort for the parade. Newberry's will be opened and hosting pictures with Santa. Girl Scouts will be selling cookies and hot chocolate. The Bandstand will be decorated November 12, 2011.

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

RESOLVED that authorization is granted for Peppermint Winter Wonderland to use the bucket truck and fire truck for tree decorating on November 19, 2011, and use of the fire truck decorated to bring Santa to the park on November 26, 2011, and

WHEREAS permission is granted for Police escort for the Parade of Lights,

BE IT FURTHER RESOLVED that permission is granted to close Queen, Broad, Pearl, William, and Church Streets for the Parade of Lights.

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

Mayor Kleisle introduced Derek Anderson, Project Manager from MRB/Group. Mr. Anderson reviewed the recent bid opening for the Water Procurement Project. Low bidder was Blair Supply; base bid \$280,200, with alternate \$38,500, for a total of \$318,700.

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

RESOLVED that the bid for the Water Procurement Project be awarded to the low bidder, Blair Supply in the amount of \$318,700.

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

Mr. Anderson discussed the SCADA system. He advised the Board, Newark Electric submitted a new quote of \$12,000 annually. The Village would pay the monthly cost for the cellular service. Mr. Anderson stated Newark Electric is the only company around that provides this service. This would be a 3- year contract with Newark Electric.

Trustee VanStean stated he would like to move forward with Newark Electric. We need to keep up with the upgrades and feels this is more cost effective.

Village Attorney, Arthur Williams stated he has reviewed the proposal from Newark Electric and it is fine.

Mayor Kleisle recommended we pay them quarterly.

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

RESOLVED that the Village of Lyons supports the proposal from Newark Electric for the Village of Lyons Water Distribution System Control (SCADA) for an annual service contract of \$12,000, with quarterly payments of \$3,000 made to them.

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

Mr. Anderson informed the Board he has received communication from New York State Department of Health that they want to see the wells abandoned not capped. Trustee VanStean stated part of the discussion was the wells were to be capped so if we needed another source of water we could have that option. Trustee Evangelist agreed. Trustee Evangelist asked Mr. Anderson to go back to New York State Department of Health to tell them we would like the wells capped not abandoned.

RESOLUTION offered by Ms. Greco and Mr. Alvaro

RESOLVED that the minutes of the regular meeting held on October 18, 2011 and bid opening on October 28, 2011, be approved as submitted.

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

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the audit be approved as submitted. #405-#413 General, Water, and Sewer Fund \$98,786.59, #414-#468 General, Water, and Sewer Fund \$167,715.23, #469 Trust & Agency-Drug Forfeiture \$49.98, #470 New York Main Street \$25,870.00, #471-#472 Capital Account-WWSB \$55,713.58, #473-#474 Capital Account \$30,480.99, #475 Capital Account-Canal \$585.96, #476 Trust & Agency-Water Haulers \$513.50.

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

Village Attorney, Arthur Williams, reported a letter has been sent to Sergeant Brendlinger, President of the Lyons Police Association, Inc. Local 3864, requesting that an accommodation be made by way of a Memorandum of Agreement, removing section 5 from Article V of the Collective Bargaining Agreement which states in pertinent part that, "no officer shall work alone between the hours of 4:00 p.m. to 3:00 a.m. due to budget constraints. To date, Mr. Williams has heard nothing from the Union President.

The Treasurer's report was given for November 2011, and placed on file for future information.

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

RESOLVED that permission is granted for the Mayor, Village Board, and Clerk-Treasurer to attend the Wayne County Village Officials meeting to be held November 16, 2011, hosted by the Village of Newark at the Elk's Club. All expenses to be borne by the Village of Lyons.

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

The Clerk-Treasurer informed the Village Board Local Law 2 & 3, water and sewer rents, was received and filed by the State of New York. For Information Only.

Mayor Kleisle read a request from Mercy Flight Central for a donation of \$1,000 in 2012 from the Village of Lyons to help keep their aircraft flying, and assure that their life saving services remain available to all in need of emergency transport. Mayor Kleisle stated this is not a budgeted item. Village Attorney, Arthur Williams, advised the Board, we cannot use our funds for this. Municipalities are restricted in making donations. A letter will be sent to Mercy Flight Central informing them of this.

Mayor Kleisle read a letter from Anthony J. D'Amico, DDS PC, requesting consideration on his water bill. He had a water leak at 20 Canal Street consuming 180 gallons of water. The water leak has been located and repaired. He is asking for the amount to be adjusted. Mayor Kleisle referred to the Village of Lyons Municipal Code Chapter 26, §26.13, Subdivision B "Any or all water passing through a meter will be charged for, whether used or wasted." No adjustment will be made.

Notification was received from NYMIR, New York Municipal Insurance Reciprocal; that an underwriting survey was done at our municipality. The results of this survey showed we provide a safe environment for officials, employees, and others who use or visit our facilities. This is on file with the Village Clerk.

Mayor Kleisle stated notification was received from Time Warner Cable that price increases will take effect with customer's next statement.

Notification was received from Norfolk Southern Corporation that they are considering the abandonment of 11.50 miles of rail line between Milepost GL0.00 and Milepost GL 11.50 in Wayne and Ontario Counties, New York. Norfolk is requesting the Village of Lyons to provide comments on how an abandonment of this particular rail segment would interact with such plans and if possible provide a planning map.

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that Trustee VanStean work with the County of Wayne to be our representative on this matter and draft a response to Norfolk.

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

Mayor Kleisle read a letter from Dobbins Drugs stating the appreciation for Pumpkinpalooza. They reported they had one of their best walk in traffic days ever. They had 3-4 times more people in the store than Peppermint Days.

Mayor Kleisle read the Village Justice Report for October 2011. The number of cases reported to audit and control were 284, fines collected were \$18,975, and bail collected \$20,300. This is on file for future information.

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

RESOLVED that on December 13, 2011, a Public Hearing will be scheduled to be held at 6:00 P.M. at the Village Hall for proposed Local Law 4-2011, a local law to override the tax levy limit established in General Municipal Law §3-c.

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

A discussion took place regarding increasing the franchise fees of Time Warner Cable. It was determined the Board felt the bills are high enough and leave the franchise fee at 3%.

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

RESOLVED that authorization is given to Richard Wunder, Mark Chadwick, Dave DeWolf, Michael Salerno, and Tom Gowan, to attend the Finger Lakes Water Works Conference Winter Meeting, to be held on December 1, 2011, at the Holiday Inn in Waterloo. All expenses to be borne by the Village of Lyons.

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

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

RESOLVED that permission is granted to set a water meter at 22 Queen Street due to the fact the residence is a two family dwelling with only one meter.

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

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

RESOLVED that permission is granted to set a water meter at 61 Phelps Street due to the fact the residence is a two family dwelling with only one meter.

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

Mayor Kleisle reported Bob Stopper has received communication from Robert Ohmann to build a kiosk behind the Bridge Tavern on Village property. Mr. Ohmann would like to advertise the Newark Pilots. After a lengthy discussion, it was determined to decline this as presented.

Trustee VanStean reported the Chamber of Commerce is reviewing their website. They have appointed a sub-committee to make recommendations. They will present this to the various boards when completed.

Trustee VanStean also reported the Peppermint Winter Wonderland has become a sub-committee of the Lyons Chamber of Commerce.

Mayor Kleisle asked the Board for a recommendation for the annual contribution from Empire Merchants. It was determined to request that the donation be used towards the rehab of the Band Stand in the Village Park.

Mayor Kleisle stated a response is due to the Office of the New York State Comptroller by November 19, 2011, regarding the Financial Conditions of the Water and Sewer Funds. She asked the Village Board to get their words to her. They are looking for a response from the Village Board not her.

Trustee Evangelist presented the monthly police department report for October 2011. On file for future reference.

Trustee Evangelist presented the Code Enforcement report for October 2011. This is on file with the Village Clerk.

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

RESOLVED that permission is granted for Police Chief, Richard Bogan, to prosecute parking tickets in Village Court.

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

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

RESOLVED that authorization is granted to accept the 2000 Ford Crown Vic donated by Anthony Bartucca to use as the K-9 car. This car will be registered and insured under the Village of Lyons.

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

Trustee VanStean stated there will be a Republican gathering tonight at Studebakers at 9 P.M.

Trustee Alvaro presented the Street Department Report. This is on file with the Village Clerk.

Trustee Greco presented the Lyons Fire Department report for October 2011. On file with the Village Clerk.

RESOLUTION offered by Ms. Greco, second by Mr. VanStean

RESOLVED that permission is granted for Lyons Head Start to visit the Lyons Fire Department on November 18, 2011 at 10:30 A.M.

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

Mayor Kleisle introduced Mr. and Mrs. Tom Virts from 8 North Canal Street. Mr. Virts spoke and stated he and his wife have decided not to give that section of the roadway to Village. He is concerned on how the plowing will be done. Michael Salerno, General Working Foreman, will work on a solution to the plowing concerns.

RESOLUTION offered by Mr. Evangelist, second Mr. VanStean

RESOLVED that executive session be declared at 8:10 P.M. for the purpose of discussing the proposed employment agreement with the Chief of Police.

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

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

RESOLVED that meeting be moved out of executive session at 8:30 P.M.

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

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

RESOLVED that the meeting be adjourned.

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

Meeting adjourned at 8:30 P.M.

Denise Darcangelis, Clerk-Treasurer