

REGULAR MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY, OCTOBER 18, 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 (arrived at 6:41 P.M.) Terry VanStean, Trustees
Michael Salerno, General Foreman
Denise Darcangelis, Clerk-Treasurer
Richard Bogan, Police Chief

ABSENT: Arthur Williams, Village Attorney

Also in attendance was: James Fabino, James Wedman, Tom Virts, Dan LaGasse, Arthur Schutt, Roger Allen, Jack Bailey, Scott Bailey, Richard Wunder, John Cinelli

Mayor Kleisle welcomed everyone and asked all present to stand and pledge the flag.

Mayor Kleisle introduced Tom Virts from 8 North Canal Street. Mayor Kleisle read a letter written by Mr. and Mrs. Virts addressed to the Village Board and the Mayor. She stated the Village Board had a packet with the background of the deeding of this street back in 2005. Mayor Kleisle explained that 1 or 2 months ago, the Town, Village and the County were working on a turnaround on Mr. Allen's property. Mayor Kleisle checked the maps to see if there was enough room and realized we did not own the property where the turnaround was being placed. When the property was deeded back in 2005, it was only deeded up to 8 North Canal Street. The Village, Town or County cannot do work on private property. The Mayor asked for the work to cease because we do not have title or permission granted for a turnaround. Richard Wunder was in attendance and spoke regarding this matter. He was the Village Attorney in 2005. He reviewed the file. He stated in 2005 there was a Public Hearing for this. No one came for or against this. In 2005, the Village Board made a decision that North Canal Street Extension be a legal street within the Village of Lyons. The request for this action was made by Roger Allen. A surveyor was hired by Mr. Allen and the survey was done. Mr. Allen gave to Richard Wunder the property to be transferred to the Village of Lyons. Mr. Wunder stated it is up to the Village Board if they would like to entertain a proper petition according to Village Law for expansion of this street. Trustee Evangelist questioned Trustee Alvaro what was his take on this. Trustee Alvaro stated he thought the property deeded was all the way to the woods. Mr. Alvaro stated he did not review the surveys. Jack Bailey, a Village Trustee in 2005, was in attendance and stated he assumed this was to be deeded all the way down, thought the entire road was part of the project. Mayor Kleisle stated the minutes from 2005 never approved a turnaround. Mayor Kleisle stated to Mr. Virts if you would like to extend in front of your house, the proper forms need to be filled out and a Public Hearing will have to be held. Mr. Virts stated he agreed with Mr. Alvaro and Mr. Bailey. The spirit and nature was to include the entire street. This was just an oversight. The survey is what it is and we cannot argue with that. Trustee Evangelist questioned why this has taken so long to find out. Mayor Kleisle stated she questioned if there was room for a turnaround and then found the property was not deeded. Mr. Virts agreed to move forward with this but stated he will not improve the road. Mr. Allen stated he will not deed any property to the Village of Lyons for the turnaround. Mayor Kleisle will discuss this matter with Village Attorney, Arthur Williams; get the proper forms and permission for a turnaround. Mayor Kleisle then read a letter from Trustee Greco who was not in attendance at this time. Mr. Virts then presented a letter to the Clerk-Treasurer from his wife to make copies for the Village Board.

Mayor Kleisle then introduced Mr. James Fabino, from Collins Cassavino Post 227 (Lyons American Legion). Mr. Fabino presented a proposal to the Village Board that the American Legion deed the property in front of their building, in which the recently erected monument is located, to the Village of Lyons so that it always remains where it was placed. They would maintain the monument as long as the Legion remained in business. Mr. Fabino also stated there is still grant money to repair the World War I monument. This would be repaired at no cost to the Village.

Both proposals were tabled until the November 8th meeting.

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

RESOLVED that the minutes of the regular meeting held on September 27, 2011, Bid Opening on September 30, 2011, Bid Opening on October 3, 2011, and a Workshop meeting of October 4, 2011, be approved as submitted.

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

Mayor Kleisle read communication from Arthur Williams, Village Attorney. Mr. Williams represents Richard and Donna Iocco who are in the process of selling their house at 111 Montezuma Street. While preparing this matter for closing, it was discovered that their old shed in the back of their property lies about 5 feet on the Village property. The shed has been in that location for well over 20 years. This type of encroachment is very common and one which is usually resolved by a license agreement whereby the Village consents that the shed remain in place and the owner of the other parcel agrees that if the shed is destroyed then it has to be rebuilt inside of the property line and that the owner of the land does not dispute the rear property line between the owner and the Village.

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

RESOLVED that authorization is granted for Mayor Kleisle to sign the License Agreement between the Village of Lyons and Philip J. Pockey, the new owner of 111 Montezuma Street.

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

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

RESOLVED that the audit be approved as submitted. #333-#336 General, Water, and Sewer Fund \$53,441.59, #337-#401 General, Water, and Sewer Fund \$232,524.94, #402 Trust & Agency Account Drug Forfeiture- \$49.93, #403 GIGP \$4,120.15, #404 Capital Account-West Water Street Bridge \$13,348.63.

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

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

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

RESOLVED that inasmuch as the three months have passed and it is necessary to advertise for the Fair Housing notice, due to the fact that the Village of Lyons, does accept funds from the Small Cities Grant.

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

The Clerk-Treasurer asked the Village Board for a resolution to return the tax roll 2011/2012 to Wayne County Treasurer for collection.

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

RESOLVED that the Village of Lyons request collection of delinquent 2010 Village taxes in the amount of \$164,874.72 plus penalty of \$14,838.72 (9%) by the County of Wayne pursuant to Wayne County Local Law 4-1978 and Section 1442 of the Real Property Tax Law;

AND BE IT FURTHER RESOLVED that the Clerk-Treasurer is hereby authorized and directed to send a certified copy of the resolution together with the account and certification described in Subdivision 3, section 1426 of the Real Property Tax Law to the Wayne County Local Law 4-1978.

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

Clerk-Treasurer, Denise Darcangelis, reviewed the bid proposals for the Single Audit that is required due to expending \$500,000 in Federal monies in one fiscal year. This audit will be for fiscal year ending May 31, 2011.

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

RESOLVED that authorization is granted to authorize Lee Walter, CPA, to conduct a Single Audit for fiscal year ending May 31, 2011, on all municipal accounts.

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

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

RESOLVED that permission is granted to transfer \$12,500 from A1990.4 the Contingency account to A6989.4 other Economic & Development for 1/3 of the cost shared by Wayne County IDA and the Town of Lyons for the Port of Lyons feasibility study.

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

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

RESOLVED that authorization is granted for the Clerk-Treasurer to loan \$11,862.93, from the General fund to the Water Fund as a due to the General Fund, for expenses as directed by New York State Office of the State Comptroller.

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

Mayor Kleisle read correspondence from COPS Hiring Program. Our CHP proposal was not selected for the September 28, 2011 announcement. Currently our CHP remains under a "pending" status within the COPS Office, which means that the proposal is still under consideration. Once the COPS Office receives their Fiscal Year 2012 appropriations, they will know whether additional hiring funds are available and can determine how best to proceed with all pending requests. For information only.

Mayor Kleisle informed the Village Board there is a funding opportunity that New York State has recently introduced. It is called the Consolidated Funding Application (CFA). The Environmental Facilities Corp. is offering funding for a Green Innovation Grant. This grant will be available for up to 90% of the total eligible costs and 10% match will be required. Mayor Kleisle stated she would like to see storm sewer projects for Catherine Street, Jackson Street and Canal Street. General Working Foreman, Michael Salerno, suggested Shuler Street and Dickerson Street. Trustee VanStean agreed we need all the help we can get. The application for the CFA is due October 31, 2011.

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

RESOLVED that approval is given for Larsen Engineers to apply for the CFA grant funding at an estimated cost of \$750 - \$1,000, on behalf of the Village of Lyons, to help mitigate some of the drainage issues within the Village of Lyons.

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

Mayor Kleisle informed the Village Board the Veteran's Day Ceremony will be held November 11, 2011, at 11 A.M. in Central Park. Everyone is welcomed to attend. They have requested permission to use the Central Park.

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

RESOLVED that permission is granted for the Collins-Cassavino American Legion Post 227 is authorized to use Central Park on November 11, 2011, at 11 A.M. to commemorate Veteran's Day.

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

ABSTAIN: Mr. VanStean

Mayor Kleisle reported the Lyons Community Center will be hosting a 5K race/walk on Saturday, October 22, 2011. They are requesting assistance from our local law enforcement with traffic and people control during the event.

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

RESOLVED that permission is granted for the Lyons Community Center to host a 5K race/walk on Saturday, October 22, 2011, with assistance from our Police Department to help with traffic.

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

Mayor Kleisle read the Village Justice Report for September 2011. The number of cases reported to audit and control were 191, fines collected were \$12,607.00, and bail collected \$15,100. This is on file for future information.

Mayor Kleisle presented the proposed revenue increases if the Village Board increased the franchise fee from 3% to 5% from Time Warner Cable. The estimated increase in revenues would be approximately \$20,000 per year. She reminded the board this would be paid by the user of cable. This was tabled for our next board meeting on November 8th.

At our last regular Village Board meeting Trustee Greco question the amount of electric it costs the Village of Lyons for Peppermint Days. Mayor Kleisle informed her it costs less than \$150.00.

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

RESOLVED that authorization is granted for Mayor Kleisle to sign the New York Main Street Agreement for 18-20 Canal Street.

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

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

RESOLVED that authorization is granted for Mayor Kleisle to sign the New York Main Street Agreement for 8-10 Canal Street.

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

ABSTAIN: Ms. Greco

Mayor Kleisle presented the Local Law for overriding the new property tax cap that has been mandated by the State of New York. Trustee VanStean stated he feels this is definitely something we need to move forward on. This will be scheduled for a Public Hearing at our next Village Board meeting.

Mayor Kleisle reported she checked the State of New York to see if we could purchase the canoe launch separately. She was told this could not be done. For information only.

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

RESOLVED that WHEREAS the Village of Lyons has recently completed the construction and replacement of a village owned bridge located on West Water Street, at an estimated cost of \$1,353,500, funded by the Village of Lyons (5%) State of New York Marchiselli funds (15%) and Federal funds (80%), and

WHEREAS the bridge has been inspected and found to be in conformance with contract plans and specifications, NYSDOT CONTRACT NO. DO32025, PIN 4754.93

BE IT RESOLVED that the Village of Lyons hereby offer ownership of the West Water Street Bridge, over Ganargua Creek in the Village of Lyons, to the County of Wayne with all warranties and as built to be included at the transfer of ownership.

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

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

RESOLVED that authorization is granted for equipment to be placed on the green space on Canal Street next to Dr. D'Amico's dental office, for the rehab and masonry work to be done at 20 Canal Street.

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

Mayor Kleisle discussed the cost of the Blackboard Connect that can notify the community in minutes of a developing situation, such as a water break, water that will be turned off, emergency situations, etc. The cost of this service is approximately \$3,860.00 annually. Empire Merchants is once again offering a donation to the Village of Lyons which could be used for this. Chief Bogan will check with 911 to see if there is a way we could utilize their Hyper Reach Notification System. Mayor Kleisle is still working with Lyons Central School to see if we could link with their system.

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

RESOLVED that we move forward with Blackboard Connect pending we find out from 911 and Lyons Central School to see if we could utilize their current system.

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

Mayor Kleisle informed the Board Lyons High School will be paving their parking areas. They have asked permission to use the Water Plant turnaround while the paving is being done.

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

RESOLVED that Lyons Central School has permission to use the Water Plant turnaround while the paving project at the Lyons High School is taking place.

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

Trustee VanStean reported he and General Working Foreman, Michael Salerno, went to the Water Plant to look at the surplus equipment. Rural Water has offered to put the surplus items on their website which are, the 3 blowers and pumps and the 9 street lights. If no one is interested than Mr. VanStean suggests scrapping those items.

Trustee VanStean also stated the locations are marked for the new signs. Request for UFPO's have been submitted. The State will be notified to approve the placement of the signs. He hopes in 2 weeks to have the signs installed.

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

Trustee Evangelist announced a National Prescription Drug Take Back day on Saturday, October 29, 2011, from 10 A.M. to 2 P.M. This will provide a venue for people who want to dispose of unwanted and unused prescription drugs. This will be held Loson's Big M parking lot.

Trustee Evangelist reported the Village of Lyons will receive an award under the Bulletproof Vest Partnership FY 2011. For information only.

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

Trustee Evangelist stated the deadline to leave the Wayne County Self Insurance Plan was October 15th. He will continue to work on this for 2012 to see if the Village can save money on Workman's comp.

Chief Bogan asked General Working Foreman, Michael Salerno, if he had two portable stop signs that he needs for PumpkinPalooza. Mr. Salerno did not. Chief Bogan advised the Board he would be borrowing two from the Village of Newark.

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

Trustee Alvaro reported the bid opening took place for a New and Unused Vacuum Truck with 12" rear mounted vacuum hose and 13 cubic yard hopper to be mounted on the Village of Lyons 1981 Mack MR cab-over style chassis. One bid was received from Joe Johnson Equipment.

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

RESOLVED that Joe Johnson Equipment is awarded the bid for the New and Unused Vacuum Truck with 12" rear mounted vacuum hose and 13 cubic yard hopper to be mounted on the Village of Lyons 1981 Mack MR cab-over style chassis in the amount of \$144,677.00.

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

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

RESOLVED that the 1994 Vacall be declared scrap.

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

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

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

RESOLVED that authorization is granted for Noah Dobbins to do community service hours at the Lyons Fire Department to complete his graduation requirements.

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

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

RESOLVED that authorization is granted for Mayor Kleisle to serve notice that the Village of Lyons has granted authority to the Lyons Fire Department to provide emergency medical care, as defined by Article 30 of NYS Public Health Law to Village and Town of Lyons.

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

Mayor Kleisle stated Fire Chief, Charles Witt, would like permission to have the fire alarm wire from the Hotchkiss Building drop into the municipal fire alarm system.

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

RESOLVED that permission is granted to have the fire alarm wire from the Hotchkiss Building drop into the municipal fire alarm system.

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

Trustee Greco reported the fireworks for Peppermint Days 2012 have been selected. She also reminded everyone, Peppermint Days will have a booth at PumpkinPalooza selling Chili. They are also selling Silpada Jewelry as a fundraiser.

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

RESOLVED that the meeting be adjourned.

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

Meeting adjourned at 8:17 P.M.

Denise Darcangelis, Clerk-Treasurer