

REGULAR MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY,  
JANUARY 10, 2012, AT 6:00 P.M. AT THE VILLAGE HALL, 76 WILLIAM STREET, LYONS, NEW YORK.

PRESENT: Dennis Alvaro, Deputy Mayor  
Joanne Greco, Terry VanStean, Trustees  
Denise Darcangelis, Clerk-Treasurer  
Michael Salerno, General Working Foreman  
Richard Bogan, Police Chief  
Arthur Williams, Village Attorney

ABSENT: Corrine Kleisle, Mayor  
Richard Evangelist, Trustee

Also Present: Dan LaGasse, Rick Wadsworth

Deputy Mayor Alvaro welcomed everyone and asked for all present to stand and pledge the flag.

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

RESOLVED that the minutes of the regular meeting held on December 13, 2011, be approved as submitted.

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

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

RESOLVED that Village Attorney, Arthur Williams, is authorized to commence court proceedings to recover all charges and punitive damages for the three unpaid sewer charges in the Route 31 Town Sewer District.

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

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

RESOLVED that the parking space located on the west side of Phelps Street, the first parking space from the intersection of Phelps and Lawrence Street be designated as a handicapped parking space;

BE IT FURTHER RESOLVED that the parking space be posted and marked as a handicapped parking spot and be duly enforced.

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

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

RESOLVED that the audit be approved as submitted. #575-#585 General, Water, and Sewer Fund \$137,916.25, #586-#647 General, Water, and Sewer Fund \$84,292.76, #648 T & A-Drug Forfeiture \$49.98, #649-#650 Capital Account-GIGP \$76,230.88, #651 Capital Account-WWSB \$3,449.09, #652 Community Development \$4,084.45, #653 T & A -Unemployment \$2,835.00.

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

The Treasurer's report was given for January 2012 and placed on file for future information.

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

RESOLVED that, inasmuch as three months have passed, the Village advertised the Notice for Fair Housing, due to the fact that the Village of Lyons accepts funds from the Small Cities Grant.

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

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

RESOLVED that permission is granted for the Mayor, Village Board, and Clerk-Treasurer to attend the Wayne County Village Officials meeting to be held January 18, 2012, hosted by the Village of Palmyra at the JR Hickey Post American Legion. All expenses to be borne by the Village of Lyons.

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

The Clerk-Treasurer informed the Village Board Local Law 4-2011, authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, was received and filed by the State of New York. For Information Only.

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

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Village of Lyons (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, the Village of Lyons pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Village of Lyons,

WHEREAS, effective August 26, 2011 the Board amended the Model Plan to adopt provisions

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of RMDs for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.
- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York state 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.

- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Village of Lyons has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Village of Lyons by adopting the amended Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Lyons hereby amends the Deferred Compensation Plan for Employees of the Village of Lyons by adopting the amended Model Plan effective August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Wayne, New York this January 10, 2012, and directed that it be filed as appropriate.

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

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

RESOLVED that the auditor's Draft Report for May 31, 2011, for the single audit conducted is approved as written.

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

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

RESOLVED that authorization is granted for the Clerk-Treasurer to loan \$24,607.82, 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, Ms. Greco, Mr. VanStean

Deputy Mayor Alvaro announced the Erie Canalway Trail Bicycle and Pedestrian Corridor, TIGER III grant application was not selected for funding by the United States Department of Transportation. The Village of Lyons sent a letter of support for this project. For information only.

Deputy Mayor Alvaro advised the Village Board that notice has been received regarding the 2011 NYS CDBG Competitive Round Application. The application was not funded. This grant was to make needed infrastructure, waterline improvements that would have served potential areas along Montezuma Street. For information only.

Deputy Mayor Alvaro stated the New York Rural Water Association lost its funding for their EPA Programs last year which included the training and sourcewater protection programs. They are asking for a letter of support to be sent.

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

RESOLVED that the Village of Lyons send a letter of support to New York Rural Water Association to compete for funding for their EPA Programs.

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

The Village Justice Report for December 2011 has been received and placed on file for future information.

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

RESOLVED that the 2003 250 KW Generator from the Water Plant be declared surplus; and advertised for public bid.

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

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

WHEREAS, the Village of Lyons Board of Trustees (hereinafter referred to as Village Board)

has reviewed and accepted the State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF) Parts I, II & III on the above referenced Village of Lyons Water Meter Replacement Project (hereinafter referred to as Action); and

WHEREAS, the Village Board has determined the Action to be Type II and is subject to a single agency review pursuant to Part 617 of the SEQR Regulations; and

WHEREAS, the Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in EAF; and

WHEREAS, the Village Board has submitted this Action to New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for review and comment as it is located within a designated Archeological Sensitive Area; and

WHEREAS, Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Village Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

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

Deputy Mayor Alvaro, announced it was time to renew the ASCAP License Fees. This year's cost is \$320.00.

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

RESOLVED that Mayor Kleisle is authorized to enter into a licensing agreement with ASCAP for \$320.00.

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

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

RESOLVED that authorization is given to Tom Gowan and Michael Salerno to attend the Finger Lakes Water Works Conference annual business meeting, weather permitting, to be held on February 2, 2012, at Club 86 in Geneva. All expenses to be borne by the Village of Lyons.

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

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

RESOLVED that authorization is granted for the Village Board to attend the NYCOM Winter Legislative meeting scheduled for February 26-February 27, 2012, in Albany, with expenses borne by the Village of Lyons.

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

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

RESOLVED that authorization is granted for attendance to the listening session to be held on January 12, 2012 hosted by Congresswoman Ann Marie Buerkle at the Williamson High School 3:30 P.M. to 4:30 P.M. regarding the plan for the Lake Ontario/St. Lawrence River system, Plan BV7.

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

Deputy Mayor Alvaro advised the Board quotes were requested to paint the Court Clerk's Office and Judge Hartwell's Office. Dobbins Painting and Contracting quote was \$1,590.00 and Custom Painting was \$1,600.00. Trustee VanStean stated since there was only a \$10.00 difference, and we awarded a quote to Dobbins Painting and Contracting earlier in the year to paint the Village Offices, we award the quote to Custom Painting to support other Lyons businesses.

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

RESOLVED that the quote for \$1,600 from Custom Painting for paint and materials to paint the two Village Court offices, scrape window sills, prime and paint walls and trim is accepted.

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

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

RESOLVED that authorization is granted for Mark Chadwick and David DeWolf to become a member of the New York Water Environment Association, Inc. for a cost of \$80.00 annually.

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

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

RESOLVED that authorization is granted for the Mayor, Village Board, and Clerk Treasurer, to attend a free seminar on January 26, 2012, in Newark, regarding Capital Improvement Planning and an overview on State and Federal funding, hosted by Stuart I. Brown.

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

Village Clerk, Denise Darcangelis, stated the Code Enforcement Report for November and December have been received and are on file with the Village Clerk.

Police Chief, Richard Bogan, read Lyons Police Department report for the month of December. On file for future information.

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

RESOLVED that Police Officer, Anthony Bartucca, is authorized to attend the Finger Lakes Law Enforcement Academy Basic School for Police Officers, February 23<sup>rd</sup>-July 30<sup>th</sup>, 2012, at no expense to the Village of Lyons.

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

Village Clerk, Denise Darcangelis, read a letter of commendation received from Richard M. Healy, Wayne County District Attorney, for Officer Mastracy for an assault investigation he was assigned. District Attorney Healy stated Officer Mastracy's crime scene work was exceptional. This is on file with the Village Clerk.

Police Chief, Richard Bogan, presented the Village Board the 2011 Annual Report for the Lyons Police Department. This is on file with the Village.

Deputy Mayor Alvaro reviewed the Street Department Report and it is on file with the Village Clerk.

Deputy Mayor Alvaro gave an update on the New York Main Street Committee. He stated there was a question regarding the digital projector Bob Ohmann requested funding for was eligible. This was approved by the State and will have to be monitored for 5 years to be sure the projector stays in the building.

Trustee Greco presented the Lyons Fire Department Report for the month of December. On file for future information.

Trustee Greco stated the Peppermint Days Committee is meeting on a regular basis and have come up with a lot of new and great ideas for the 2012 Peppermint Days Festival.

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

RESOLVED that an executive session be declared for employment history within the Lyons Police Department.

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

Executive session declared at 6:50 P.M.

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

RESOLVED that the regular session be resumed at 7:02 P.M.

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

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

RESOLVED that the meeting be adjourned.

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

Meeting adjourned at 7:02 P.M.

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Denise Darcangelis, Clerk-Treasurer

