

SPECIAL MEETING OF THE VILLAGE BOARD OF TRUSTEES HELD ON TUESDAY, MAY 3, 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  
Arthur Williams, Village Attorney  
Interim Police Chief Richard Bogan  
General Working Foreman Michael Salerno

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

Mayor Kleisle introduced Eileen Porto-Lutz, Executive Director of Community Action in Self Help. Ms. Lutz stated there have been new developments for the property at 3-11 Broad Street. She briefed the Village Board that when applying for a mortgage back in 2010, a Community Development Block Grant of \$70,786.81 was found outstanding with the Village of Lyons. At the March 1, 2011, Village Board meeting, the Village Board agreed to place the Village of Lyons in a fourth mortgage position for repayment of the CDBG monies. Ms. Lutz is now asking the CDBG mortgage be forgiven. She also stated New York State is waiving their position in the amount of \$432,000. Village Attorney, Arthur Williams, commented, it is very common when a municipality has Federal or State Funds to always be in 2<sup>nd</sup> or 3<sup>rd</sup> position and in all honestly the Village of Lyons will never get paid. Ms. Lutz stated the Nusbickel Associates; now has a mortgage with New York State Housing and Trust Fund Corporation to be used for renovations to the Broad Street Building. All work will be done by local contractors and local suppliers will be used. 1.6 million dollars will be put in that building to reshape that corner within the Village.

Trustee VanStean questioned the source of the loan. The outstanding money due to the Village was Community Development Block Grant money.

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

RESOLVED that the Village of Lyons, currently holding a third position mortgage, forgive it's mortgage of \$70,786.81, recognizing the Village would never be made whole in its third position for the Community Development Block Grant with Nusbickel Associates, LP, conditional on the State of New York forgiving it's second position mortgage of \$432,000. The benefit to the Village of Lyons in forgiving the said mortgage will result in a newly refurbished historical building in downtown Lyons.

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

ABSTAIN: Mr. VanStean

Mayor Kleisle stated this week is Municipal Clerk's Week throughout the world. She recognized our Clerk, Denise Darcangelis, in honor of her professionalism and devotion to her work and to our constituents.

Village Attorney, Arthur Williams, confirmed the property at 7400A Route 31 has not paid their sewer bill. He will start court proceedings on this.

Village Attorney, Arthur Williams, stated he has spoken to the County Attorney regarding the Hotchkiss Building. It was decided the Village would like to deed out this property to the Heritage Society the same day the transfer of this property is made to the Village of Lyons.

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

RESOLVED that the Village of Lyons accepts title to the property of the Hotchkiss Building with transfer of contents and Bill of Sale and simultaneously transfer the property to the Heritage Society so they can rehabilitate the building for historical purposes, with a condition in the deed that if the Heritage Society goes out of business, the building and contents reverts back to the Village of Lyons.

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

Mayor Kleisle stated in the will of Mary Hotchkiss, the Village of Lyons was left \$71,215.38 to go to the Humane Society. The money is to be used for animals in the Village and Town. Village Attorney, Arthur Williams, will find out the details as to how to disburse the money.

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

RESOLVED that Mayor Kleisle is authorized to sign the will of Mary Hotchkiss.

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

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

RESOLVED that permission is granted for the Mayor, Board of Trustees, Chief of Police, Clerk-Treasurer and Village Attorney to attend the Wayne County Village Officials meeting to be held May 18, 2011, at Jack's Good Time Bar & Restaurant in Sodus Point. All expenses to be borne by the Village of Lyons.

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

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

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

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

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

RESOLVED that authorization is granted for the Clerk-Treasurer to remove the Property Maintenance Inspection fee in the amount of \$25.00 for 28 Broad Street- downstairs that was billed in error.

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

Notification was received that the Notice of Claim between the Village of Lyons and James Broome has been rejected for failure to comply with Section 50-h of the General Municipal Law. For information only.

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

RESOLUTION that permission is granted for the Lyons Elks Lodge #869 to host their annual fishing derby on June 25, 2011, beginning at 9:00 A.M. with an alternate date of Sunday, June 26th, at the same time, in the event of bad weather. This will be held on the south side of the canal between the Leach Road and Route 14 bridges.

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

Mayor Kleisle stated the Memorial Day Parade will take place May 30, 2011. Lineup is at 9:00 A.M. and the parade will start at 9:30 A.M.

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

RESOLVED that permission is granted for Lyons American Legion Post 227 to use the Village Streets, use of the Department of Public Works to provide safety barricades and the Village Police Department to lead the parade to commemorate Memorial Day on May 30<sup>th</sup>.

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

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

RESOLVED that authorization is given to Richard Wunder, Michael Salerno, and Tom Gowan to attend the Finger Lakes Water Works Conference Spring Workshop, to be held on June 2, 2011, at Burnham's Canalside Restaurant in Newark. All expenses to be borne by the Village of Lyons.

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

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

RESOLVED that authorization is granted for Board attendance to NYCOM's 102<sup>nd</sup> Annual Meeting to be held in Saratoga Springs on May 24 – May 26, 2011. All expenses to be borne by the Village of Lyons.

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

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

WHEREAS, the Village of Lyons Board of Trustees (hereinafter referred to as Village Board) has reviewed the Environmental Assessment Form (SEQR EAF Part 1, Long Form), prepared by the MRB Group, PC (hereinafter referred to as Village Engineer) on the above referenced Village of Lyons Water Treatment Plant Decommissioning (hereinafter referred to as Action); and

WHEREAS, the Village Board determines that said Action is classified as a Type 1 under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board determines that said Action is also subject to review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Village Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

**NOW, THEREFORE BE IT RESOLVED** that the Village Board does hereby declare its intent to be designated as the lead agency for the Action.

**BE IT FURTHER RESOLVED**, that the Village Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Friday, **June 3<sup>rd</sup>**, 2011.

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

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

RESOLVED that authorization is granted for Mayor Kleisle to sign Change Order #1 Waste Water Treatment Plant Green Improvements for green roof weights at no change in the total eligible contract price and Change Order #2 for adjustment in the final installed quantities of green roof at an increase in the total eligible contract price of \$2,178.00.

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

Mayor Kleisle stated these change orders have found to be acceptable and are approved by the New York State Environmental Facilities Corporation (EFC) as meeting applicable State Rules, regulations, and standards concerning the design of wastewater treatment facilities.

Mayor Kleisle reported Emerald Ash Borer Awareness Week is May 22- May 28. Eric Lewis' 6<sup>th</sup> grade class will take part in this project. They will tag Village of Lyons Ash trees and park Ash trees by using a ribbon. By doing this, the NYS DEC hopes to make people aware of the insect and to be able to report possible infestations.

Mayor Kleisle reminded everyone the first public hearing for the Community Development Block Grant (CDBG) Program will take place on May 4<sup>th</sup> at 6:00 P.M. at the Village Hall and the Canal Meeting will follow at 6:30 P.M. Mayor Kleisle also publically thanked Joanne Greco, Rebecca Gamba and Denise Darcangelis for the outstanding job they did to get the information from the people on Montezuma Street for the CDBG grant application. Trustee Evangelist also thanked them for taking time to do this.

Trustee VanStean reported General Working Foreman, Michael Salerno, is still formulating his needs for the Part-Time Laborer's position. He will meet with Mike when Mike returns from vacation to finalize his selection.

Trustee VanStean stated he has researched the signage for the gateways into the Village of Lyons. He presented proposed options for the Village Board to choose from. He asked the Village Board to rank their top 3 choices. Mayor Kleisle commented she does not want to give

away our identity with the use of the logo used by Lyons Main Street, the Town of Lyons, and Chamber of Commerce. The Village is identified by a logo adopted 30-40 years ago and should be incorporated on the signs at the gateways. She feels the Main Street logo should be on there but on the bottom. Trustee VanStean stated he feels the Main Street logo has become a community trademark. It was agreed upon by all, that the sign should have our incorporated date. After a ballot vote by the Village Board and public comment, a selection was made.

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

RESOLVED that by majority vote, choice #7 be selected with the incorporated date added and the pole changed.

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

NAYE: Mayor Kleisle

Mayor Kleisle would like it put on record she does not agree with this, this does not include the official Village of Lyons logo.

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

RESOLVED that permission be granted to the Lyons Elks Lodge #869 to hold their annual 5K run/walk on June 5, 2011, at 1:00 P.M., with assistance from the Lyons Police Department to DeBusse Road. The route shall be as follows: start on William Street proceed north on William Street to Maple Street then north on Maple Street to DeBusse Road and turn around and proceed on Maple Street to Broad Street then ending on Water Street in front of the American Legion. They also are given permission to use village barricades and traffic cones for the temporary street closures.

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

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

RESOLVED that authorization is granted to accept Joshua Potuck's resignation from the Lyons Police Department effective May 1, 2011.

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

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

RESOLVED that authorization is granted to hire Brian Ritchie as a Part –Time Police Officer to replace Officer Potuck.

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

Trustee Evangelist read a notice from Police Chief Bogan informing the Village that the Lyons Central School is scheduled to begin a construction project impacting their school bus loading and unloading procedures. This will begin sometime in May 2011 and will continue through the summer. General Working Foreman, Michael Salerno, and Chief Bogan met with school transportation officials and believe it is in the interest and safety of the students, the portion of William Street in front of the elementary school should be no parking or standing from 7:00 A.M. to 5:00 P.M. on school days. The parking would be changed back to its current status in June, at the end of the school year. Mr. Salerno will post the area using in stock no parking signs.

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

RESOLVED that a "No Parking or Standing" area is designated on William Street in front of the Elementary School from 7:00 A.M. to 5:00 P.M. on school days, starting in May throughout the end of June.

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

Trustee Evangelist read a letter of commendation written by Chief Bogan recognizing Sergeant Brendlinger and Police Officer Costello for their diligence in solving the February burglary of a resident's home on Phelps Street and the recovery of a functional .38 special handgun. An arrest was made. Chief Bogan commended both in their continued dedication to the safety of the citizens of the Village of Lyons.

Trustee Alvaro reminded everyone the New York Main Street committee will meet on May 16<sup>th</sup> at 6:00 P.M. at the Village Hall. There are two properties to discuss, Lyons National Bank and 36 Canal Street.

Trustee Alvaro stated he has given the Motor Equipment Operator applications to General Working Foreman, Michael Salerno, to review. When Mr. Salerno returns from vacation, they will get together to finalize.

Trustee Greco stated the Lyons Fire Department will be painting the outside of the building. All signage will be coming down but will be put back up when the project is completed.

Trustee VanStean stated he attended the Peppermint Days meeting on Monday. They will have collection days on June 4<sup>th</sup> and June 25<sup>th</sup> on the corners of 14 and 31. Chief Bogan has reviewed all safety requirements with them.

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

RESOLVED that authorization is granted for the Peppermint Days Committee to collect money on June 4<sup>th</sup> and June 25<sup>th</sup> from 9:30 A.M. to 11:30 A.M. at the corners of 14 and 31 to raise money for Peppermint Days.

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

Trustee Greco thanked Chief Bogan for attending the D.A.R.E. graduation on April 27<sup>th</sup>. Trustee Evangelist commented it was a nice function and Chief Bogan stated Officer Flock did a nice job with the program.

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

RESOLVED that executive session be declared at 7:38 P.M. to discuss Wayne County Industrial Development negotiations for the sale of industrial property.

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

RESOLUTION offered by Mr. Alvaro, second Ms. Greco

RESOLVED that regular session be resumed.

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

Regular session resumed at 7:45 P.M.

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

RESOLVED that the meeting be adjourned.

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

Meeting adjourned at 7:45 P.M.

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Denise Darcangelis, Clerk-Treasurer



