

REGULAR MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY,  
FEBRUARY 15, 2011, AT 6:00 P.M. AT THE VILLAGE HALL, 76 WILLIAM STREET, LYONS, NEW YORK.

PRESENT: Corrine Kleisle, Mayor  
Dennis Alvaro, Deputy Mayor  
Joanne Greco, Trustee  
Michael Donalty, Police Chief (arrived 6:50 P.M.)  
Denise Darcangelis, Clerk-Treasurer  
Michael Salerno, General Working Foreman

ABSENT: Richard Evangelist, Terry VanStean, Trustees  
Arthur Williams, Village Attorney

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

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

RESOLVED that the minutes of the regular meeting held on January 18, 2011, the special meeting held on January 27, 2011, and the meeting held on February 1, 2011, be approved as submitted.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

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

RESOLVED that the audit be approved as submitted #671-#678 General, Water, and Sewer Fund \$156,805.44; #679-#745 General, Water, and Sewer Fund \$157,714.53; #746 Trust & Agency-Drug Forfeiture \$78.55; #747 Trust & Agency D.A.R.E. \$112.50; #748 Capital Account- W. Water Street Bridge \$1,158.88; #749 Capital Account-NY Main Street Project \$1,550.00.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

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

**WHEREAS**, the Village owns and operates a Water Treatment Plant which Water Treatment Plant is dated and in need of substantial repairs and other capital improvements, and

**WHEREAS**, the Village has confirmed that there is readily available an alternate source of potable water other than that which is processed by the Village's Water Treatment Plant, and

**WHEREAS**, the Village has determined that it is cost prohibitive to repair and upgrade its Water Treatment Plant and that it is more cost effective to purchase water from an alternate source; and

**WHEREAS**, the Wayne County Water and Sewer Authority as the distributor of the water and the Village of Newark, as the supplier of the water, agree to accommodate the Village of Lyons on the purchase of water.

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Lyons shall proceed with the decommissioning of its water plant and that it shall in the future, purchase potable water from the Wayne County Water and Sewer Authority which water shall be supplied by the Village of Newark.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

The Treasurer's Report was presented and is on file at the Village Clerk's Office.

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

RESOLVED that the Clerk-Treasurer is authorized to transfer \$7,375 from F1990.4 Contingency to F1440.4 engineering for the MRB Water Plant Decommissioning for \$2,500, and the CDBG Public Infrastructure for \$2,400 and \$2,475 to F8340.499 for water leak detection by Stephan's Consulting.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

Village Clerk, Denise Darcangelis, updated the Village Board on the total number of Foil Request from Andrew DeWolf. To date, total man-hours spent on his request are 28 on researching, collecting and reviewing the data, and total copies scanned to him 1,466. For information only.

Mayor Kleisle stated she received a report from Larsen Engineers on the Waste Water Treatment Project. She advised the Board in the near future we will be receiving a change order for upgrades to the aeration system.

They anticipate this to be funded by the contingency account of the GIGP grant. The cost for this is \$18,000 for the aeration system and \$6,130 for the Engineering. A letter has been forwarded to EFC asking for reimbursement for this.

Mayor Kleisle advised the Board she received a tentative notice from Barton & Loguidice that they plan to shut the West Water Street Bridge down on March 14<sup>th</sup> weather permitting.

Mayor Kleisle read the Village Justice Report for January 2011. The number of cases reported to audit and control was 216, fines collected \$14,769, and bail collected \$16,000. This is on file with the Village Clerk.

Mayor Kleisle advised the Board the property at 82 William Street roof collapsed on Monday, February 14, 2011. Jim Murphy, Code Enforcement Officer, has condemned the building. Mayor Kleisle spoke to Ms. Miller, the owner of the property and explained to her the building is condemned, it is a hazard and must come down. A notice along with a copy of Chapter 19 Unsafe Buildings from our Village Municipal Code was sent to her. Communication has also been made to her attorney. Mayor Kleisle had an Engineer look at this building and he confirmed the building needs to be removed that it was not salvageable. Joe Bartucca, President of Empire Enterprises, JKB, Inc. is working with the Village of Lyons to get this project underway. Mr. Bartucca explained NYSEG must first come in and sever the gas line. He will have to apply for an emergency permit to demolish the building. The cost for this is \$4,000. He stated we must assume the building has asbestos and treat as asbestos debris. The permit must state where the debris goes which is a certified landfill that accepts asbestos waste. Mayor Kleisle personally told her any cost incurred would be billed to her. Mayor Kleisle explained we will bill the property owner, but the Village would be liable. If this is not paid, this would be relieved to the properties taxes.

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

**WHEREAS** on Monday, February 14, 2011 in the morning hours, the property located at 82 William Street, owned by Victoria Sculli Miller, and known as the former Sculli Upholstery Shop incurred severe damage to the three story structure as a result of the roof collapsing to the first floor and the side and back walls having become structurally compromised by separating from support beams and the vertical structural members having listed and are in immediate danger of buckling and collapsing onto the public sidewalk and Street and;

**WHEREAS** the building was determined by the Village of Lyons Code Enforcement Officer to be an unsafe building and because of its condition it is unsafe and dangerous to the public health and welfare of the citizens of Lyons and;

**WHEREAS** on February 14 verbal notice of the building's unsafe condition as given to Ms. Miller, who is out of town and reachable only by cell phone, and to her Attorney, Richard Holtzberg, and by email communication to Attorney Holtzberg that the building was, in accordance with Chapter 19 – Abatement of Dangerous Buildings of the Village of Lyons Municipal Code, declared an Unsafe Building by the Code Enforcement Officer and ordered posted at 82 William Street that the “Building Must Be Torn Down for “ Public Safety” by February 15, 2011 and;

**WHEREAS** the property has been inspected by demolition contractors, for Ms. Miller and they have verbally notified the Code Enforcement Officer on February 14 and 15, 2011 that they have no interest in the building demolition.

**NOW THEREFORE BE IT THEREFORE RESOLVED** that the Village Board concurs with the Code Enforcement Officer's determination that the building is unsafe and in need of immediate demolition for the public safety and therefore the firm of Empire Enterprises JKB Inc. be authorized to commence the process of demolition of the building located at 82 William St. at a cost of \$113,250.00 which shall be billed to the property owner and if not timely paid, relieved on the property taxes for No. 82 William Street, Lyons, New York.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

Mayor Kleisle stated the Heritage Society was in attendance to discuss the Hotchkiss Building. Pat Gorthy was the spokesperson and stated they have several questions in regards to the Heritage Society taking ownership of the Hotchkiss Building.

They questioned when the property is transferred from the Village of Lyons if there will be a cost. Mayor Kleisle explained that there would be filing fees, etc. She did not know the exact cost for this. They questioned how long the transfer would take. Mayor Kleisle explained to them the Village is still negotiating with the County of Wayne to take the property with its contents without the grants at no cost to the Village of Lyons taxpayers. The Heritage Society asked if the artifacts and the architect's plans would be included in the transfer. Mayor Kleisle stated that will be negotiated. They questioned if the County could be selling the artifacts. The Mayor stated no. They stated they would like the cost of the insurance and the appraisal of the building and items. Mayor Kleisle stated she did have the insurance costs last year. She will get them a copy. Mrs. Gorthy stated that some of the items remaining in the building belong to the Heritage Society. They would like to get in there and get them. Mrs. Gorthy also questioned if there is any asbestos in the building. Mayor Kleisle stated she will contact Wayne County Planning to find out if they are aware of any asbestos in the building. Dick Kelley questioned why the Village of Lyons did not take the building with the grants. Mayor

Kleisle explained with grants there are hidden costs. We were only going to take this building once the work was completed at no cost to the taxpayers. Mayor Kleisle stated the next step is to get approval to accept the property from Wayne County then transfer the building to the Heritage Society.

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

**WHEREAS** the County of Wayne by Resolution No. 73-11, has provided for transfer of the Hotchkiss Building in current condition to the Village of Lyons;

**NOW, THEREFORE BE IT RESOLVED** that the Village of Lyons will accept title to the Hotchkiss Building with contents, architects drawings and plans without the grants or any costs to the Village of Lyons taxpayers.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

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

RESOLVED that Mayor Kleisle is authorized to execute the contract with the Town of Lyons for Fire Protection in the amount of \$141,744.03.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

Mayor Kleisle discussed the DPW report for the month of February. This is on file with the Village Clerk.

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

RESOLVED that the chairs used by the Village Board, assorted police canine equipment, computers, and one Smith and Wesson Model 37 .38 caliber revolver be declared surplus and advertised to sell.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

Mayor Kleisle reminded everyone the next budget workshop will take place Tuesday, February 22, 2011, at 6:00 P.M. at the Village Office. Interim Police Chief Interviews will also take place that night starting at 7:30 P.M.

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

RESOLVED that Mayor Kleisle is authorized to sign the NY Warn-Utilities Mutual Aid & Assistance Agreement.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

The Lyons Police Department report for the month of January 2011 is on file with the Village Clerk.

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

RESOLVED that authorization is granted for Sergeant Brendlinger to attend eJustice training in Albany, March 14-15, 2011. Two nights lodging plus meals and expenses; mileage and tolls for use of personal vehicle (if needed).

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

Mayor Kleisle explained Mike Pangallo, Business Administrator, from Lyons Central School asked if the Village of Lyons would grant permission for the Lyons Central School personnel to use the Water Plant Driveway.

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

RESOLVED that permission was denied for the Lyons Central School personnel to use the Water Plant Driveway.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

RESOLUTION offered by Ms. Greco second by Mr. Alvaro

RESOLVED that the meeting be adjourned.

AYES: Mr. Alvaro, Ms. Greco, Mayor Kleisle

Meeting adjourned at 7:23 P.M.

