

REGULAR MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY,
OCTOBER 19, 2010, 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
Arthur Williams, Village Attorney, (left at 7:00 P.M.)
Denise Darcangelis, Clerk-Treasurer
Michael Donalty, Police Chief

ABSENT: Michael Salerno, General Foreman

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 September 21, 2010, and special meeting of October 5, 2010, be approved as submitted.

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

Village Attorney, Arthur Williams, stated the garage is down at 35 Phelps Street. The contents and debris still needs to be cleaned up. Attorney Williams will send a letter advising him to clean up the property.

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

RESOLVED that the audit be approved as submitted. #346-#353 General, Water, and Sewer Fund \$113,194.97, #354 Trust & Agency-NYS Unemployment \$5,316.60, #355-#420 General, Water, and Sewer Fund \$226,307.09, #421 Trust & Agency Account Drug Forfeiture- \$78.21, #422 Trust & Agency Account \$39.65, #423-#426 GIGP \$29,725.08, #427 Capital Account-Canal \$52,498.75, #428 Capital Account-West Water Street Bridge \$132,800.00.

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

The Treasurer's report was given for October 2010, and placed on file for future information.

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

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 2010/2011 to Wayne County Treasurer for collection.

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

RESOLVED that the Village of Lyons request collection of delinquent 2010 Village taxes in the amount of \$169,288.26 plus penalty of \$15,235.94 (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

Information was given to the Village Board concerning the New York State Retirement figures for 2011 and 2012. On file for budget information.

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

RESOLVED that permission is granted to transfer \$977.50 from A1990.4 the Contingency account to A1320.4 Auditor account.

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

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

RESOLVED that the budget be amended for \$33,048, in the Lyons Police Department equipment line A3120.209 for the live scan/mug shot system and A3089 Other General Government Aid.

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

Mayor Kleisle presented the monthly Justice report for September 2010. On file for future reference.

A discussion took place regarding the damaged light poles in front of the Village Office and Stoney's Pizzeria. The cost to replace these is \$4,326 each. The light pole in front of Stoney's was damaged by a delivery truck and we received \$3,787.05, less depreciation of \$538.95. The light pole in front of the Village Office was damaged during a wind storm. We received \$1,826 less a deductible of \$2,500.

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

RESOLVED that two new light poles are purchased from Newark Electric in the amount of \$4,326 each to replace the one on the corner of William and Canal and the one in front of the Lyons Police Department.

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

Notification was received from Stuart Brown Associates, Inc. regarding the Local Government Efficiency Grants and the types of projects that may be assisted under the LGE program. Copy of this notification was distributed to the Village Board members. For Information Only.

Mayor Kleisle presented the prices for the gateway signs from Peter Miller. Each sign would cost \$1,005 installed. The Village is looking to get 4 gateway signs.

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

RESOLVED that the Village get requests for proposals for 4 gateway signs for the entrances into the Village of Lyons.

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

Trustee VanStean also suggested the Village send a letter to the State of New York advising them we are interested in installing gateway signage into the Village.

Mayor Kleisle reminded everyone a Special Meeting will be held on Thursday, October 21, 2010, at 6:00 P.M. at the Village Hall for the purpose of meeting with Mark Tayrien, Stu Brown Associates to review the Water/Sewer Rate Study. She stated Marty Amen from Wayne County Water Authority, and a representative from the Village of Newark will also be in attendance to answer any questions.

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

RESOLVED that permission is granted for the Village Attorney and the Village Board to attend NYCOM's Seminar on Personnel Management and Labor Relations to be held on November 17, 2010 in Clay, NY.

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

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

RESOLVED that Corrine Kleisle, Mayor, of the Village of Lyons, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational Trails Program, in an amount not to exceed \$200,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Village of Lyons for Recreational Canal Trail non-motorized use if appropriate, a conservation easement to the deed of the assisted property.

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

Mayor Kleisle reported low water and sewer billings in October. Total billed was \$129,635. She stated we will only realize about 80% of our estimated revenue in the 2010-2011 budget. A shortfall in the water fund of approximately \$123,000 and \$6,000 to \$7,000 in the sewer fund. She is hoping the findings from our meeting on October 19, 2010, will give us a good direction.

Mayor Kleisle stated the New York State Department of Health conducted an inspection of the water system serving the Village. The report stated the Village of Lyons is in violation of State Sanitary Code, Subpart 5-1,

and Section 5-1.52 Table 3 as the routine annual sample for disinfection byproducts indicated the presence of total trihalomethanes at a running average of 0.085 mg/l which exceeds the Maximum Contaminant Level of 0.080 mg/l. Public notice of this was published in the Lyons, Clyde, and Savannah Shopping Guide. This was caused by a hydrant that did not receive adequate flushing this past summer. The report had several recommendations such as: Continue adequate flushing of all hydrants. Repair the 5 hydrants in the Village that are inoperable. A certified backup operator of appropriate grade needs to be employed. Proper maintenance and operation of the system is required. Begin a program of testing and/or replacing commercial and institutional meters. Mowing and tree trimming should be done around fences both water and storage tank sites. Section of fence should be repaired. Sparling Control Panel is obsolete. A new system should be installed. All water storage tanks (three standpipes and two clearwells) should be inspected internally at least every 10 years. Our last inspection was 2004. We should constantly monitor chlorine gas usage due to potential hazard of the gas and the proximity of the school and we should remove the Watershed Rules and Regulations (Title 10, Section 154.1) since the Junius Ponds source has been eliminated.

Mayor Kleisle will issue a written response to all violations mentioned.

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

RESOLVED that Police Officer John J. Flock is appointed to Part-Time Officer effective October 28, 2010, at the rate of pay of \$14.00 per hour.

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

Trustee VanStean questioned if any electricity was going to the grid at the Sewer Plant. Yes we are making electricity. We have not received a bill since this was hooked up. We will report when we get the next bill.

Trustee VanStean publically apologized for the confusion going into executive session on October 5, 2010. He stated the personnel he wanted to discuss was him. He was recently appointed by the Mayor to attend the Peppermint Days meetings. After attending the first meeting, he felt he was not well received. He stated the committee was unsure of what to expect from him attending the meetings and he was unsure of what to expect as well. He will continue his role and attend the meetings held by Peppermint Days. Once in executive session, Village Attorney, Arthur Williams, advised this was not executive session material. There were also two items to be discussed regarding personnel with the Town of Lyons that then took place.

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

RESOLVED that permission is granted for Officer Mastracy to attend *Basic Investigative Photography School* in Rochester, November 15-19 2010; tuition is \$277.50 (budgeted), minimal overtime expense for travel time, and five meal reimbursements, per the LPA contract.

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

Trustee Evangelist presented the monthly police department report for September 2010. On file for future reference.

Trustee Alvaro discussed the Street Department Report activities. Water breaks at Kinney Drugs, Abbey Park and on Route 14 were repaired. Vehicle repairs and mowing has also been done.

Trustee Alvaro reported the Village of Lyons has an opportunity to purchase a sewer jet from the Town of Webster in the amount of \$25,000. It would be 60-90 days before we could take possession of it. A clause would be noted that the sewer jet would remain in the same condition in 90 days when we would take ownership. We have two options: (1) to purchase directly from the Town of Webster or (2) purchase the sewer jet from Johnson Equipment if it is traded in. Village Attorney Arthur Williams will draft a proposal to send to the Town of Webster.

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

RESOLVED that authorization is granted to purchase the sewer jet from the Town of Webster or Johnson Equipment as it comes available.

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

Trustee Greco informed the Village Board the Veteran's Day Ceremony will be held November 11, 2010, at 11 A.M. in Central Park. Everyone is welcomed to attend.

Trustee Greco presented the Lyons Fire Department report for September 2010. On file with the Village Clerk.

Village Attorney, Arthur Williams, left at 7:00 P.M.

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

RESOLVED that an executive session be declared to discuss an employee contract.

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

Executive session declared at 7:00 P.M.

Chief Donalty was in attendance.

Chief Donalty left executive session at 7:33 P.M.

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

RESOLVED that regular session be resumed at 7:58 P.M.

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

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

RESOLVED that the meeting be adjourned.

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

Meeting adjourned at 7:58 P.M.

Denise Darcangelis, Clerk-Treasurer