

April 24, 2019

The Town Board of the Town of Lyons met for a meeting on April 24, 2019, at 6:30 p.m. in the Town Board meeting room.

Present: Jake Emmel, Supervisor
John Paliotti, Councilman
Joanne Greco, Councilwoman
Ralph D'Amato, Councilman
James Brady, Councilman
Sal Colatarci, Town Clerk
Tim Moore, Highway Supt.

Also Present: John Wiltsie, Jason DeVito, Richard Bogan, Bob Milliman, Dan Olson, Dale Kenville, Edson Ennis, Bethany Comella, Tony Villani, Carol Bailey, Casey carpenter, Kayla Sturgill

Absent:

This meeting was duly noticed by contacting the Times of Wayne newspaper, as well as posting a notice on the Town bulletin board and on the Town's web site.

All stood for the Pledge of Allegiance.

Councilman Paliotti moved to accept the minutes from the March 27, 2019 meeting. Motion seconded by Councilwoman Greco. Vote:

Councilman Paliotti voting aye
Councilwoman Greco voting aye
Councilman D'Amato voting aye
Councilman Brady voting aye
Supervisor Emmel voting aye

Edson Ennis then approached the Board asking when the disinterment of two remains would take place from grave sites allegedly owned by his family. He was told that it most likely would take place in the next few weeks, weather permitting.

The Board then heard from Dan Olson regarding this year's Memorial Day Parade. He explained that now that there is no longer an American Legion Post in Lyons, a committee has been formed to continue plans for such things as the parade and Veterans Day events. He explained the parade would take place this year on May 27th. Town Officials are invited to participate. There may not be a Color Guard this year, though he is working on a couple of leads.

The Board then reviewed an events application from Larry Ann Evans (Wayne County Historical Society) to hold a Pure Oil Antique festival on Sat. May 4, 2019 at the Pure Oil Station at the corner of Geneva Street and Canal Street. About 10 vendors will be on hand with about 50 to 60 people estimated to attend the event. Town Clerk Colatarci explained all necessary paperwork has been submitted and it has been approved by Code Enforcement, Highway Dept, and Ambulance Dept. All required insurance has been submitted. Councilman Brady moved to allow the event. Motion seconded by Councilwoman Greco. Vote:

Councilman Brady voting aye
Councilwoman Greco voting aye
Councilman D'Amato voting aye
Councilman Paliotti voting aye
Supervisor Emmel voting aye

Due to a scheduling conflict, Councilman Paliotti moved that the regular Mat meeting be moved from May 29th to May 22nd at 6:30 p.m. Motion seconded by Councilman D'Amato. Vote:

Councilman Paliotti voting aye
Councilman D'Amato voting aye
Councilwoman Greco voting aye
Councilman Brady voting aye
Supervisor Emmel voting aye

The Board then discussed with Town Attorney Villani the law governing conveyance of the Taylor Park encroaching driveway to the landowner Bethany Comella). He explained that park lands may not be sold without authorization from the state legislature. In addition, section 64 of the Town Law, provides that the conveyance is subject to permissive referendum. Finally, as with any town property, the Board is obligated to receive fair consideration for the transfer. If the property is being used for a public purpose, it may not be sold. The area is used by public works for a public purpose.

This probably precludes sale to the owner but may not prohibit some type of easement being granted to the contiguous owner as long as the other conditions above are met. In such a case, however, if the contiguous owner is using town property for a private purpose, the Board should require that the contiguous owner provide a liability policy naming the town as an additional insured on a primary noncontributory basis.

The Board felt the Town Attorney should move forward with this plan and gave Mr. Villani the green light to begin the process. He then instructed Ms. Comella to retain an attorney and then have her attorney contact him. She agreed.

Councilman Paliotti then moved to reschedule a Public Hearing on a local law to opt out of NYS Real Property Tax Law 487 exemptions for certain energy systems such as solar farms to May 22, 2019 at 6:40 p.m. Motion seconded by Councilman D'Amato. Vote:

Councilman Paliotti voting aye
Councilman D'Amato voting aye
Councilman Brady voting aye
Councilwoman Greco voting aye
Supervisor Emmel voting aye

Department reports were heard. Code Enforcement Officer Richard Bogan stated that between March 26 and April 22:

Building Permits issued: ... 14
Building Permits Cleared, compliance issued.... 17

Violation/Order to Remedy issued: ... 15
Violations Cleared:20

Other Permits: 3 inflow inspections, Landlord license issued, 48 water pipe inspections
Operating permit inspections.... 5 public assembly and 34 fire safety inspections

Appearance Tickets ...
7537 Old Lyons Rd, electric defects \$ 7000.00 fine, hearing scheduled
26 Cherry Street, rubbish and fire, fine and 3ed reappearace scheduled
7537 Old Lyons Rd, Lot # 3 Rubbish, fine and 3ed appearance scheduled
7537 Old Lyons Rd, Lot #4 Rubbish, fine and 3ed appearance scheduled

Zoning and Planning: ongoing communication regarding AT&T tower

Assessor Kayla Sturgill reported:

- Property Transfers(Sales) March-13
- 6 Arms length usable for valuation purposes
- 5 quit claim(between family members, owner changes etc)-not valuation usable
- 2 REO purchase from bank

- The file to print the tentative roll has been submitted to the county. It is ready for pickup, and will be available to the public May 1st .
- Last month at our Association meeting, another Assessor in Wayne County shared a presentation on how their office is starting a project to make the office digital. She has begun this here, scanning any deeds that have not yet been filed.
- the tentative roll legal notice will be published next week, but am unsure as of right now which days she will be in the office sitting with the roll.
- Grievance Day will be Tuesday May 28, 2019 from 4pm-8pm. Change in Assessment notices will be going out after May 1.

John Wiltsie, in his monthly ambulance reported stated Call total for the month of March: 123

- 1) Received uniforms and portable radio from Angel Kerstan
- 2) Received Portable and pager from Keith Simon
- 3) Notified Finger lakes overhead door advised they were awarded the bid and Rich is ordering the bottom panels and door openers.
- 4) Spoke with Councilwomen Greco and Supervisor Emmel about increase in ALS pay to \$20.00 hr from \$17.28 HR to be competitive with the rest of area agencies wages. Spoke with Councilwoman Greco and she advised me she spoke with Councilman Brady also about increase request. By not hiring another fulltime Employee and with the saving of benefit package and remaining pay would off set increase in payroll. We have to pay county every time they get onboard if Medicare patient \$175.00. Councilman D'Amato moved to increase the pay for all ALS employees to \$20.00 per hour effective next pay roll. Motion seconded by Councilman Brady. Vote:

Councilman D'Amato voting aye
Councilman Brady voting aye
Councilman Paliotti voting aye
Councilwoman Greco voting aye
Supervisor Emmel voting aye
- 5) Notified Councilwoman Greco of a leak in roof over office and was authorized to contact Luke Dobbins and to get price of repair. Dobbins roof Foreman found some screw seals bad and Luke reports around \$200.00 to repair problem. Dobbins put Roof on approx 10yrs ago from a Grant Jim Fabino received from Senator Nazzolio .
- 6) Town of Lyons Employees response from home doing well .
- 7) Met with Wayne county Personnel about why they have to approve Employees at Ambulance. They informed me that Civil service law requires that they are graded by Training and scoring. They are charging \$10.00 application fee also. Diane also met with Chris Kolyinski and advised that is how is going to be.
8. The Town of Lyons now has ALS status back. Approval was given yesterday.

Highway Supt. Tim Moore reported that he has some equipment that he would like the Board to surplus so it can go to the Municipal auction next month.

1. 2008 Ford F250 ext. cab with plow and cap
2. 1991 Ford tractor with loader model 545
3. 1969 Ford tractor with side mower model 4400

After a discussion, Councilman Brady moved to declare the above surplus. Motion seconded by Councilman Paliotti. Vote:

Councilman Brady voting aye
Councilman Paliotti voting aye
Councilwoman Greco voting aye
Councilman D'Amato voting aye
Supervisor Emmel voting aye

Also, Just one bid was received for the 2010 or newer used tractor with loader with a 3 point hitch mounted boom mower. That bid, from LandPro came in at \$58,980.00 for the 2010 John Deere mower and 2019 Diamond Mower. After a discussion, Councilman Brady moved to accept the bid price and allow the purchase. Motion seconded by Councilman D'Amato. Vote:

Councilman Brady voting aye
Councilman D'Amato voting aye
Councilwoman Greco voting aye
Councilman Paliotti voting aye
Supervisor Emmel voting aye

In addition, Mr. Moore stated that clean up of roads and streets continues. The deck on the canal path bridge is complete. Brush and leaf pick up continues. Also, paving projects may begin as early as the end of May.

Following a request from Mr. Moore, Councilwoman Greco moved to increase the pay of the part time roadside mower man to \$14.00 per hour effective next pay period. Motion seconded by Councilman Brady. Vote:

Councilwoman Greco voting aye
Councilman Brady voting aye
Councilman Paliotti voting aye
Councilman D'Amato voting aye
Supervisor Emmel voting aye

Buildings and grounds foreman Dale Kenville reported that he had received a quote from JD's Outdoor Furniture on Montezuma Street in Lyons for 8 six foot picnic tables and 2 eight foot handicapped assessable picnic tables. Total price is \$1,270.00. After a discussion, Councilwoman Greco moved to approve the purchase of the tables. Motion seconded by Councilman D'Amato. Vote:

Councilwoman Greco voting aye
Councilman D'Amato voting aye
Councilman Brady voting aye
Councilman Paliotti voting aye
Supervisor Emmel voting aye

Also, cold patching of some pot holes continues as well as cleaning up the parks in preparation of mowing. The south side canal lights are working. Various shop work continues and D.I.'s are being cleaned.

Councilwoman Greco then moved to approve payment of General Fund vouchers #199 through # 256 totaling \$105,355.44. Motion seconded by Councilman Paliotti. Vote:

Councilwoman Greco voting aye
Councilman Paliotti voting aye
Councilman Brady voting aye
Councilman D'Amato voting aye
Supervisor Emmel voting aye

Councilman Brady then moved to approve payment of Highway Fund vouchers #58 through #72 totaling \$23,300.31 . Motion seconded by Councilman Paliotti. Vote:

Councilman Brady voting aye
Councilman Paliotti voting aye
Councilman D'Amato voting aye
Councilwoman Greco voting aye
Supervisor Emmel voting aye

The Board then discussed who would mow lawns when called upon by the Code Enforcement Officer. In the past Dave's Lawn Service had taken on that task. While Simpson Lawn Care in Newark won the bid for mowing and caring for Town owned property, the bid specs did not include mowing private lawns when called up by the CEO when the lawn got too tall. After a discussion, it was decided to have Mr. Bogan write up specs for the required job.

It was also determined that Town employees would mow both the DeBusse RD. cemetery as well as the North Lyons Cemetery on Route 14 north.

Councilwoman Greco then updated the Board on the summer band concerts. We are awaiting funding from the Bob Boehmler Foundation. Pat Gorthy has been contacted to secure the check we normally get to cover the cost of some of the concerts.

At 8:15 p.m., Councilman Brady moved to go into executive session to discuss the proposed lease of Town owned property. Motion seconded by Councilman D'Amato. Vote:

Councilman Brady voting aye
Councilman D'Amato voting aye
Councilman Paliotti voting aye
Councilwoman Greco voting aye
Supervisor Emmel voting aye

At 8:45 p.m., Councilwoman Greco moved to come out of executive session. Motion seconded by Councilman Paliotti. Vote:

Councilwoman Greco voting aye
Councilman Paliotti voting aye
Councilman D'Amato voting aye
Councilman Brady voting aye
Supervisor Emmel voting aye

As there was no further business, the meeting was adjourned.

Sal J. Colatarci

Lyons Town CLerk

