

Aug. 30, 2017

The Town Board of the Town of Lyons met for a meeting on Wed Aug. 30, 2017, at 6:30 p.m. in the Town Board meeting room.

Present:

Jake Emmel, Councilman  
Nancy Collins, Councilwoman  
Phil DeSain, Councilman  
Sal Colatarci, Town Clerk  
Tim Moore, Highway Supt.

Also Present: Jim Wedman, Bob Milliman, Ben Follette, Katie Villani, Judy Bailey, Sharon Lubitow, Pete and Jan Mastracy, Kayla Sturgill, Keith Simon, Matt Dunphy, Joan Wallis,

Absent: Brian Manktelow, Supervisor  
Joanne Greco, Councilwoman

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.

As Mr. Manktelow was absent, tonight's meeting would be conducted by Deputy Supervisor Nancy Collins.

Councilman DeSain moved to accept the minutes from the July 26, 2017 meeting. Motion seconded by Councilman Emmel. Vote:

Councilman DeSain voting aye  
Councilman Emmel voting aye  
Councilwoman Collins voting aye

Town Clerk Sal Colatarci then informed the Board that there was an error calculating the in lue of tax amount for both JAMCO and Lorwes Limited (formerly Weslor) for both the 2016 and 2017 tax years. As a result, both are due a refund. This has been verified by the County Real Property Tax Office. Mr. Colatarci explained that both JAMCO and Lorwes have been informed of the error and that a refund would be issued following approval at tonight's meeting. After discussion, Councilman Emmel moved the following:

WHEREAS, refunds of real property tax claimed to be attributable to an error on the in lue of tax bill has been brought to the attention of the Tax Collector for the Town of Lyons; now, therefore, be it

RESOLVED, that the following refunds are hereby approved and the Town of Lyons is hereby authorized and directed to pay said refunds:

2017 Tax Roll

Account No. 71110-00-352989  
Assessed to: JAMKO Ind. Dev. LLC  
Total Tax Paid: \$ 3,914.35  
Corrected Total Tax: \$2,715.21  
Refund: \$1,199.14

2016 Tax Roll

Account No. 71110-00-325989  
Assessed to: JAMKO Ind. Dev. LLC  
Total Tax Paid: \$3,839.79  
Corrected Total Tax: \$2,913.86

Refund: \$925.93      TOTAL: \$2,125.07

2017 Tax Roll

Account No. 71110-00-393990  
Assessed to: Lorwes Limited LLC  
Total Tax Paid: \$5,601.93  
Corrected Total Tax: \$3,976.74  
Refund: \$1,625.19

2016 Tax Roll

Account No. 71110-00-393990  
Assessed to: Lorwes Limited LLC  
Total Tax Paid: \$5,623.81  
Corrected Total Tax: \$4,267.69  
Refund: \$1,356.12      TOTAL: \$2,981.31

Motion seconded by Councilman DeSain. Vote:

Councilman Emmel voting aye  
Councilman DeSain voting aye  
Councilwoman Collins voting aye

The Tax Collector of the Town of Lyons is hereby authorized and directed to charge back the Refunds.

Assessor Kayla Sturgill then mentioned that the Town has received notice from the State that Lyons has achieved a 100 percent equalization rate for the upcoming year.

The Town Board then reviewed three Park and Facilities permit applications.

The Board then discussed three Parks and Facilities permit applications that were received by the Town Clerk's Office. Sierra DeRog of Sodus requested the use the Gazebo in the park for her wedding on Sept. 19, 2017 for about an hour from 4 p.m. til 5 p.m.

The Lyons Rotary Club requesting to serve a picnic for senior citizens in the park on Sept 27 from 4:40 p.m. until 6:30 p.m., requesting that electricity and some additional picnic tables be provided.

And that a movie studio be allowed to do filming for a motion picture on William Street for three days, Sept. 14 through 16 between 7 a.m. and 11 p.m. (various times each day). It is noted that a number of cars and trucks will be parked on the street with minimal disruption to sidewalks. Also, generators and electric cords will be in use. Town Clerk Colatarci explained that the movie studio has provided proof of insurance totaling 3 million dollars.

After discussion, Councilman DeSain moved to grant all three requests, pending proof of insurance from all three individuals/organizations. If no insurance is provided, the request will be turned down. Motion seconded by Councilman Emmel. Vote:

Councilman DeSain voting aye  
Councilman Emmel voting aye  
Councilwoman Collins voting aye

Councilman DeSain moved to approve General Fund vouchers #407 through #471 totaling \$110,763.38

Motion seconded by Councilman Emmel. Vote:

Councilwoman Collins voting aye  
Councilman Emmel voting aye  
Councilman DeSain voting aye

Councilman Emmel moved to approve Highway Fund vouchers #126 through #144 totaling \$262,462.92

Motion seconded by Councilman DeSain. Vote:

Councilman Emmel voting aye  
Councilman DeSain voting aye  
Councilwoman Collins voting aye

Department reports were heard. Keith Simon reported that the ambulance responded to a total of 120 calls in the month of July. He also told the Board that he is getting a service contract with Stryker for a gurney service at a price of \$963.00 for one year from Sept. 1, 2017 through 8/31/2018. He also mentioned he would like to hire two new part time employees, Mat Dunphy and Matt King, both EMT's as two other part time employees have resigned.

Assessor Kayla Sturgill reported that there were 7 property sales, 2 auction purchases, and 3 quit claim sales. Also, she submitted her paperwork to the State for reimbursement for the seminar attended in July (\$1,282.94). No time frame as to when it will be approved by the State. She also stated that she scored a 96 on the latest test toward her certification. Finally, she mentioned that she will be out of the office on Thursday Sept. 7 and Wed./Thurs Sept 20-21 for more training classes.

Code Enforcement Officer Richard Bogan reported that between July 26, 2017 and Aug. 24, 2017, a total of 27 building permits were issued, 52 violation/order to remedy issued, while 69 were cleared. Also, he was involved with several preliminary meetings regarding anticipated projects.

Highway Supt. Tim Moore reported that the County has completed most of the stripping in Lyons. The sander has been delivered to Henderson Equip. For the new truck. The floors in the shop have been cleaned and resealed. Also, the bucket truck had its annual inspection. The department has been helping other municipalities with various jobs.

Buildings and Grounds Foreman Ben Follette reported that various projects have been completed including cleaning the parks and fountains, emptied the dog waste cans twice each week, mowed and weed wacked, filled pot holes, cleaned off the tops of D.I.'s, and hauled dirt for the canal trail. Mr. Follette also mentioned that the Town needs to surplus two old park benches and a spring action animal from the North canal street Playground. After a discussion, Councilman Emmel moved to declare the two benches and the spring animal surplus and to scrap all items. Motion seconded by Councilman DeSain.  
Vote:

Councilman Emmel voting aye  
Councilman DeSain voting aye  
Councilwoman Collins voting aye

Town Attorney Villani reported to the Board that the latest draft of the new proposed agreement between the Town and the School District will be sent to the School District for review.

C.E.O. Richard Bogan then discussed the on-going matter of the horrendous condition of the former Cold Storage Building at 42 Elmer Street. He explained that a number of attempts have been made to the alleged owner of the building to do something about the building but the attempts go unanswered. He explained that he has obtained quotes to have the building torn down and those prices range from \$373,000.00 to \$498,000.00. He explained to the Board that he has discussed this dilemma with the Town Attorney. Ms. Villani explained to the Board that an injunction could be brought against the owner in an effort to have him do something about the building. After a discussion, Councilman Emmel moved the Town Board hereby authorizes the Villani and Grow law firm to commence an injunction action against the owner(s) of 42 Elmer Street, Tax Map Number 71111-13-185449, to prevent continued violations of the New York State Property Maintenance Code. Motion seconded by Councilman DeSain.  
Vote:

Councilman Emmel voting aye  
Councilman DeSain voting aye  
Councilwoman Collins voting aye

Councilwoman Collins then asked if there were any comments or questions from those in attendance. There were none.

Councilman DeSain then moved to go into executive session to discuss a union matter. Motion seconded by Councilman Emmel. Vote:

Councilman DeSain voting aye  
Councilman Emmel voting aye  
Councilwoman Collins voting aye

At 7:25 p.m., Councilman Emmel moved to come out of executive session. Motion seconded by Councilman DeSain. Vote:

Councilman Emmel voting aye  
Councilman DeSain voting aye  
Councilwoman Collins voting aye

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

Sal J. Colatarci

Lyons Town Clerk