

June 27, 2018

The Town Board of the Town of Lyons met for a meeting on June 27, 2018, at 6:30 p.m. in the Town Board meeting room.

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

Also Present: Bob Milliman, Jason DeVito, Anne Salerno, Dale Kenville, Dan DeWolf, Keith Simon, Kayla Sturgill, Sharon Lubitow, Joan Wallis, Richard Bogan, Tony Villani, Bob Stopper, Tom Gowan, Tim Powell, Matt King.

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 May 29, 2018 meeting and the June 15, 2018 meeting. Motion seconded by Councilwoman Greco. Vote:

Councilman Paliotti voting aye  
Councilwoman Greco voting aye  
Councilman Emmel voting aye  
Councilman D'Amato voting aye (abstaining from the June 15 meeting vote as he was not present)  
Supervisor Manktelow voting aye

Mr. Bob Stopper then addressed the Board to give a synopsis of the upcoming events on the Erie Canal in Lyons next month, including the Corning Glass Barge and the Lois McClure boat. Many activities will take place beginning on the 17<sup>th</sup> of July and continuing for three days. Mr. Stopper also requested some financial assistance from the Town for various canal festivities and improvements.

At 6:45 p.m., Councilman Emmel moved to open the Public Hearing regarding local law 2 of 2018 which defines and clarifies the residency requirement for the position of Deputy Town Clerk. Motion seconded by Councilman D'Amato. Vote:

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

Supervisor Manktelow stated the Hearing would remain open until comments had been heard.

As no comments had been heard, Councilman D'Amato moved to close the Hearing. Motion seconded by Councilwoman Greco. Vote:

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

Councilman Paliotti then moved to adopt Local Law 2 of 2018. Motion seconded by Councilman Emmel. Vote:

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

The necessary paperwork will be filed with the Secretary of State.

Councilman Emmel then moved to accept the resignation of Mr. Robert Milliman from the Town's Zoning Board of Appeal effective immediately as he no longer lives in Lyons. Motion seconded by Councilman D'Amato. Vote:

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

Upon the recommendation of ZBA Chairman Jim Wedman, Councilwoman Greco moved to appoint Barb Campbell of Pilgrimport Road as his replacement effective immediately, and Brenda Spencer as a second alternate. Both will require training. Motion seconded by Councilman D'Amato. Vote:

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

Department reports were heard. Code Enforcement Officer Richard Bogan reported that 26 building permits were issued between May 25 and June 26, 2018 and 38 violations/orders to remedy were issued. Meanwhile, 69 violations were cleared. He also stated that the Town's Planning Board and ZBA met and granted a variance to both 36 Spencer St. for set back on side line for a shed and 7962 DeBusse Rd. for a barn addition. Mr. Bogan also requested permission to attend a NARCAN training on July 10<sup>th</sup> at the Wayne Behavior Health Facility on Nye Rd. Permission granted.

Assessor Kayla Sturgill reported that 11 properties were sold in the Month of May. Also, back in April, the Wayne County Economic Director Brian Pincelli gave a presentation to the Board of Supervisors at their monthly meeting regarding the 485-a exemption. The 485-a exemption is a business exemption that exempts the cost of construction of a non-residential property that is converted to mix use(residential/commercial). The cost of construction to convert the property must exceed \$10,000. The property is 100% exempt(including special ad valorem levies) the cost the first 8 years, 90% year 9, 60% year 10, 40% year 11, and 20% year 12.

Wayne County currently allows the 485-b exemption, or the Business Investment exemption with exempts the cost of construction/alteration/or improvement completed to real property used for buying/selling/storing/manufacturing/developing/processing goods and materials. The cost of construction to the property must exceed \$10,000. The property is 50% exempt(including any special ad valorem levies, except any fire district) the cost in year 1, with a 5% decrease until year 10.

Wayne county assessors were given a chance to rebuttal about the exemption at the June meeting. A copy of her letter against the measure was given to the Board members.

Also, the 2018 Final Assessment Roll will be published July 1, 2018.

The Assessors Office will be closed July 17 through July 19 while Ms. Sturgill attends training classes in Ithaca.

Building and Grounds Forman Ben Follette, in his written report, stated that his department has been busy this past month with a variety of jobs, including emptying garbage cans, cleaning and maintaining the park fountains, trimming trees, patching street holes, picking up brush, and helping the highway department with oil and stone projects. Also, cleaned and repaired various storm drains.

Highway Supt. Tim Moore reported roadside mowing and canal trail mowing continues. The Highway Dept. has been working with the County on various oil and stone and milling projects. Also, did oil and stone work in Lyons with the help of Arcadia and Sodus. Milling and paving projects are set to begin in Lyons around July 17. Also, both he and Joe Sapp will be out of Town July 9<sup>th</sup> through the 13<sup>th</sup>, but will be available in case of an emergency.

Keith Simon reported his department responded to 108 calls in May. The ambulance dept. is ready for Peppermint Days. Two crews will be on hand. The AED will be here later this week. Town employees will have to be trained. A new washer/dryer were purchased from Herman Bros. at a cost of \$994.00. The money was taken from the donation account. Three new employees were hired. Mat King (ALS), Chris Avery (BLS), and Ashley Catchman (BLS).

Tables from last month, the Board discussed the possibility of paying members of the Town's Planning Board and the Zoning Board of Appeals. After a discussion, Councilman Paliotti moved that members of both the Planning Board and the ZBA would be paid \$150.00 per year, chair persons of each Board, \$200.00, and alternates \$25.00 per meeting. Motion seconded by Councilwoman Greco. Vote:

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

Rates will take effect July 1, 2018.

Town Clerk Colatarci then informed the Board that the Town has received a Parks and facility application from The Great I am Church to hold a Christian concert at the downtown park on July 21, 2018 from 3 until about 7 p.m. Food items will be served. They will dispose of any trash following the concert. They have also provided requested liability insurance. Mr. Colatarci stated that they church held a similar concert last year and everything went fine. After discussion, Councilwoman Greco moved to allow the church to hold the concert on July 21. Motion seconded by Councilman D'Amato. Vote:

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

Meanwhile, a Parks and Facilities Permit was also submitted for this year's Peppermint Days events, July 12-15. Event Chairperson, Dan DeWolf was on hand to answer any questions the Board might have had. After a few questions, Councilwoman Greco moved to allow the festival as outlined. Motion seconded by Councilman Emmel. Vote:

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

Upon the recommendation of Code Enforcement Officer Richard Bogan, Councilman Emmel moved to reimburse Mr. Robert Battle, owner of 54 Elmer Street, for 80 square feet of concrete sidewalk along the north side of 54 Elmer, at a total price of \$160.00. Motion seconded by Councilwoman Greco. Vote:

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

Councilwoman Greco then moved to approve payment of General Fund vouchers #278 through #345 totaling \$97,134.25. Seconded by Councilman D'Amato. Vote:

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

Councilman Emmel then moved to approve payment of Highway Fund vouchers #96 through #110 totaling \$17,406.42  
Motion seconded by Councilman D'Amato. Vote:

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

Pursuant to the provisions of section 284 of the Highway Law, Councilman Emmel moved that the monies levied and collected for the repair and improvement of Highways, and received from the State for the repair and improvement of streets and highways shall be expended as follows:

Approximately \$197, 511.00 for milling and paving on various streets in the former Village.  
Approximately \$6000.00 for the A.D.A. sidewalk approaches on former Village streets.  
Approximately \$130,000 to oil and stone 6 miles of Town roads.

Motion seconded by Councilman D'Amato. Vote:

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

The Board then discussed an easement that will be needed to allow the Town to go on property owned by Richard Wunder on Dickerson Street to replace a culvert pipe that allows drainage from the street into one of the ponds on his property. Before commencing with the project, and upon the recommendation of Town Attorney Villani, it was decided the area where the culvert pipe will be placed should be surveyed. Mr. Villani said he would proceed with contacting a surveyor.

Supervisor Manktelow updated the Board on the Town's financial condition. He reported that as of the end of April 2018, the Town had a total of \$6,232,935.03 in all of its accounts. He also updated the Board and those in attendance on an audit being done by the State Comptroller's Office. The auditors have been here since About April 1.

Supervisor Manktelow then explained that he needs Board permission to sign a proposal for professional services with MRB Engineers for a wastewater infrastructure engineering planning grant. He explained that back in April 2018, the State DEC issued a notice of intent to modify the State Pollutant Discharge Elimination System (SPDES) permit for the Town's Wastewater treatment plant on Clyde Road. This requires the Town to design, install and make operational a disinfection treatment system within 5 years of the permits modification. The first step in this process is to submit an approved engineering report.

After a discussion, Councilman D'Amato moved to allow the Supervisor to sign the agreement with MRB, at a cost not to exceed \$2,500.00. Motion seconded by Councilman Paliotti. Vote:

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

Supervisor Manktelow then presented a quote he received referencing the removal of several trees at the Rural Cemetery. The quote indicated there were 16 trees there that should be either trimmed or removed completely. Total cost to trim and remove all the identified trees, as well as remove the stumps would be \$15,870.00. He has placed ribbons around the trees he thinks should be removed or trimmed. Supervisor Manktelow asked the Board members to drive through the Cemetery before the next meeting just to get an idea of trees are involved in the quote.

Anne Salerno then addressed the Board concerning the on-going issues taking place at the house next to her on Broad Street. Loud partying, under-age drinking, fighting, etc. continues to take place on a daily/nightly basis. She stated that the Sheriff's Dept. and State Police continually show up there but no arrests are ever made. Code Enforcement Officer Richard Bogan explained once again that if no arrests are made, there is nothing he can do to pull the C of O from the landlord. Supervisor Manktelow stated he would invite the Sheriff to the next Board meeting or workshop and inform Ms. Salerno so she can attend the meeting and ask questions directly to the Sheriff.

At 8:35 p.m., Councilman Paliotti moved to go into executive session to discuss possible disciplinary action against an employee. Motion seconded by Councilman Emmel. Vote:

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

At 9:05 p.m., Councilwoman Greco moved to come out of executive session. Motion seconded by Councilman Emmel. Vote:

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

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

Sal J. Colatarci

Lyons Town Clerk

