

March 28, 2018

The Town Board of the Town of Lyons met for a meeting on March 28, 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: Jim Wedman, Kayla Sturgill, Dale Kenville, Denise Black, James Poole, Richard Bogan, Bob Milliman, Al Huestis

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 Feb. 28, 2018 meeting. 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

Mr. Jim Wedman, Chairperson of the Town's Zoning Board of Appeals, than addressed the Board requesting that The Town approve members of his Board and the Town Planning Board be allowed to attend upcoming seminars In Rochester on May 8, 2018 at Town expense. Some of these classes are not offered anywhere else. After a discussion, Councilman D'Amato moved to allow those members who wish to attend to be paid at Town's expense (\$75.00 per person). 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

Supervisor Manktelow then explained that currently, the fourth quarter sales tax collected and allocated to the Town of Lyons is applied to reduce county taxes levied upon real property in the Town. He said he would prefer that the money collected be applied to reduce the Town taxes. For that to happen, a resolution must be passed by the Town Board. After a discussion, the following was unanimously approved:

WHEREAS, the County of Wayne imposes and collects sales taxes pursuant to Article 29 of the Tax Law of the State of New York, and

WHEREAS, the amount of said sales tax collected allocated to the Town of Lyons is currently applied to reduce county taxes levied upon real property in the Town of Lyons, and

WHEREAS, § 1262 of the Tax Law provides that any town, other than a town within a county having a population of one million or more and containing not more than three towns, or other than a town within a county having a population of not less than seven hundred thousand or more than eight hundred thousand, by local law, ordinance or resolution, however, may provide that all of the amounts which would be so applied to reduce the county taxes levied upon real property in such town shall be paid directly to such town to be used for any town purpose.

WHEREAS, the Town of Lyons, is a qualified Town within the meaning of § 1262 and elects that all of the amounts which would be so applied to reduce county taxes levied upon real property in such town shall be paid directly to such town to be used for any town purpose, and

NOW, BE IT RESOLVED THAT all of the amounts which would be so applied by the County of Wayne to reduce the county taxes and general town taxes levied upon real property in the Town of Lyons, be and the same shall be paid directly to such town to be used for any town purpose authorized by §1262 of the Tax Law of the State of New York, and

BE IT FURTHER RESOLVED THAT, pursuant to §1262 of the Tax law, this resolution shall be effective for all calendar year or years subsequent to its enactment, and

BE IT FURTHER RESOLVED THAT, the Town Clerk is authorized and directed to mail a certified copy of this resolution, by registered or certified mail, to the chief fiscal officer of the county of Wayne before the first day of September, 2018.

The necessary paperwork will be filed with the County of Wayne.

Supervisor Manktelow explained that the Town needs to adopt a local law, removing the ten year limit on the Cold War Veterans exemption. As the Town passed a local law opting into the exemption allowance in 2009, the Town must pass another local law, eliminating the 10 year limit.

In addition, The Board needs to hold a public hearing to hear and consider comments on the proposed franchise fee agreement between Charter Communications and the Town of Lyons. Councilman Paliotti moved to hold the public hearing on the Cold War Vet exemption at the next regular meeting on April 25, 2018 at 6:30 p.m., and the Public Hearing pertaining to the franchise fee agreement with Charter Communications at 6:45 p.m. Motion seconded by Councilman D'Amato. Vote:

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

Department reports were heard. Code Enforcement Officer, Richard Bogan stated he has issued 5 building permits between Feb. 27 and March 26, 2018 as well as 26 violations/orders to remedy. Also, 20 landlord licenses have been issued with about 60 still outstanding.

Town Assessor Kayla Sturgill reported there were 17 property transfers in February. She is currently in the process of finishing up valuing permits and has gone on a few taxpayer requested property inspections. Also, the Tentative Roll is due to the County by April 10. Grievance Day is May 22.

Keith Simon stated that the ambulance responded to 118 calls in February. He asked the Board if the ambulance department could purchase a new whole building generator out of the donation fund. The total cost of the generator, including labor is \$ 6,650.00. After a discussion, Councilman D'Amato moved to allow the purchase from the donation account. 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

Highway Supt. Tim Moore reported the Highway Dept. has been out plowing snow 22 times in March, thus far and there's still 3 days to go in the month! The VAC-AL unit is serviced and ready to clean streets once Mother Nature decides to cooperate. The tractor and broom started cleaning intersections around Town. The bush hog and excavator have been out mowing. Some streets have been filled with patching material. Mr. Moore reported he continues to work on quotes for the streets that will be repaved this summer.

Also, Mr. Moore requested permission from the Board to purchase, on State bid pricing, a new 2018 RAM 5500 Tradesman Chassis regular cab 4x4 144.5" WB one ton truck with all accessories at a state bid price of \$81,933.42. After a discussion and a few questions, Councilman Emmel moved to allow the purchase at the state bid price. Motion seconded by Councilman Paliotti. Vote:

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

Buildings and Grounds Foreman Ben Follette, in his written report, stated the department has begun picking up some brush piles. Also, installed new street signs at Catherine/Lawrence and Queen/High Streets. Performed a lot of truck maintenance, fixed plow markers, did some Town Office maintenance, and cut a couple of trees along the canal path.

Councilman Paliotti moved to approve General Fund vouchers #109 through #161 totaling \$115,680.54 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

Councilman Emmel moved to approve Highway Fund vouchers #42 through #62 totaling \$34,350.03 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

Supervisor Manktelow updated the Board on the proposal from AT&T to possible lease space at the water towers on Pearl Street for a new cell tower. Currently, AT&T is looking into the possibility of piggybacking on an existing tower in Lyons. He will update as he gets more information.

Councilman Emmel moved to pay \$500.00 to MRP Group to update the engineering report, first prepared in 2013, evaluating the feasibility of the consolidating wastewater treatment services between Newark and Lyons. Councilwoman Greco. Vote:

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

As part of this proposal, Newark will also contribute \$500.00 to the update.

Supervisor Manktelow then updated the Board on the exhaust blower at the sewer plant in Lyons. It's expected the repair cost will be about \$15,000.00, significantly lower than if the unit needed to be replaced.

Supervisor Manktelow explained that he had a conversation with Keith Simon concerning possibility of purchasing a CRPlus (defibrillator) for the Town Hall. Cost would be \$1,635.00, with money coming from the donation account. Mr. Simon stated he would be happy to instruct on using the machine. After a discussion, Councilman D'Amato moved to allow the purchase. Motion seconded by Councilwoman Greco. Vote:

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

The Board then discussed the property clean-up charge that appears on Dave Burnham's bills when the Town requests that he clean up a property. His rate is \$40.00 per hour. After a discussion on the charge, Councilman D'Amato moved to accept that charge to be placed on property clean-up bills. 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

In addition, Councilman Emmel moved to accept the 2018 price quote of \$24,650.00 to do all the weekly mowing and trimming of Town owned property, as well as monthly trimming of both the maple Street and water Street Terraces. Motion seconded by Councilman Paliotti. Vote:

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

Also, the Board decided it would accept quotes from contractors for mowing both the DeBusse Road(Fellows) and Route 14 North (VanMarter), just north of Klippel Road, Cemeteries for 2018.

Supervisor Manktelow then stated that the Town needs to appoint a new member to the County Planning Board as Mr. Stephen Buisch no longer wants to hold the position. After a discussion, Councilman Paliotti moved to appoint Mr. James Wedman to the position effective immediately. Motion seconded by Councilman Emmel. Vote:

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

Supervisor Manktelow mentioned that both he and Account Clerk Diane Kitchen recently attended a seminar concerning sexual harassment in the workplace. He said it was very informative.

Supervisor Manktelow updated the Board on a conference call he will be taking part in, regarding street lighting in the Town and converting the bulbs to LED as part of a cost saving measure. In addition, the sponsoring company, Troy and Banks will be holding a seminar on the topic in May, which he would like to attend, perhaps with another Board member.

Supervisor Manktelow said there would be a Town Board workshop on Wed. April 4 at 6:30 p.m. to discuss with the County water Authority a grant the Town recently received concerning the replacement of lead pipes into property owner's homes as well as capital charges placed on water and sewer bills.

Supervisor Manktelow explained that the Town has received correspondence for the DEC indicating the owners of the gravel pit on the Bauer property on Leach Road would like to expand the pit by up to four acres. The DEC will be the lead agency on the project and the Town is not required to do anything further if it is okay with the project.

Town Clerk Colatarci stated that the lease on the current copier is up and he has been looking into a new one. He recommended that the Town stay with the current company, Toshiba, and get a similar copier on a four year lease of \$129.25 per month. The maintenance portion of the agreement would remain the current price. The current machine lease price was \$179.17 per month. Councilman D'Amato moved to accept the price on the four year lease. Motion seconded by Councilman Emmel. Vote:

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

At 8:25 p.m., Councilman Emmel moved to go into executive session to discuss the employment history of a particular Town employee. Motion seconded by Councilman Paliotti. Vote:

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

At 9:00 p.m., Councilwoman Greco moved to come out of executive session. 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

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

Sal J. Colatarci

Lyons Town Clerk

