

Sept. 30, 2020

The Town Board of the Town of Lyons met for a meeting on Sept. 30, 2020, at 6:30 p.m. at the Lyons Community Center

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: Richard Bogan, Paula Bartishevich, Linda Guest, John Murtari, Ora Rothfuss, John Wiltsie, Kayla Sturgill, Carolyn Grasso, and Tony Villani.

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 Aug. 26 and Sept., 2020. 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

Councilman D'Amato moved to approve payment of General Fund vouchers #432 through #494 totaling \$315,688.44

Motion seconded by Councilwoman Greco. Vote:

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

Councilman Brady moved to approve Highway Fund Vouchers #150 thru #170 totaling \$28,186.72  
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

The Board then reviewed the Monthly Town Planning Board report. This months included the following:

- Sherrie Smith- Hutchinson requested a Special Permit to operate a kennel for rescue dogs at her residence at 5 Montezuma St... The Planning Board will take up the discussion of the request after further inquiry into NYS law concerning dog boarding, kennels and licensing as well as the organization for which she fosters dogs, Pawsitively Cute.

- The board recommended a Special Permit be granted to Mr. Norik Moorer to operate a wholesale dealership from his home at 75 Phelps St. with the stipulation that no vehicles be kept at the property nor any customers come to the property in the conduct of automobile sales.
- The board recommended that Joseph Ferndino be granted a set-back area variance with the side set-back at three feet from the side property line.
- The board recommended that Steven and Mary Mastracy of 23 Holley St. be granted a set back area variance for a 5 feet set-back from the side property line to build a porch.
- The board recommended issuing a Special Permit to Providence House to operate a Mobil Home Park at 7537 Old Lyons Road. The permit should be conditioned on obtaining the anticipated State Grant to finance construction of the sewer line, formation of a sewer district and obtaining any variances that may be needed.
- The board requested nameplates so community members who attend with requests can identify board members when addressing them.
- The board recommends the Town invest in a projector and screen or smart board, as well as a portable computer for future presentations. Such technology will make it easier to see large scale maps, to follow presentations and to engage the public who attend municipal meetings by allowing them to see as well as hear what is being presented. For example, Mr. Greisberger's presentation entailed looking at large paper maps to follow his presentation. Such types of presentations will be more common and involve more public engagement as the Comprehensive Plan evolves and leads to other large-scale planning.

Mr. Ora Rothfuss from The County Planning Department was on hand to update the Town Board on the Brownfield grant that was recently awarded, of which the Town of Lyons is a part of. The Town agreed to be a part of the grant application last November. After discussion, Councilman Paliotti moved the following:

WHEREAS Wayne County, as the lead applicant of a coalition of partners, was awarded \$600,000 in hazardous substances and petroleum funding from the Federal Environmental Protection Agency (EPA) 2020 Brownfield Assessment Grant Program to assess brownfield sites in communities in the County, and

WHEREAS, Assessment Grants provide funding for prioritizing sites, conducting site assessments, community engagement, and development of cleanup plans and reuse strategies; and

WHEREAS, the Town of Lyons was identified as a coalition member in the County application and subsequent work plan, and

WHEREAS, as a member of the coalition the Town of Lyons committed to participating on the steering committee and providing overall direction on investment of funds; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized and directed to execute a memorandum of agreement and/or other documents necessary to participate in this project on behalf of the Town of Lyons, and be it further

RESOLVED, that Mr. Richard Bogan, Code Enforcement Officer is appointed as the lead project representative on behalf of the Town of Lyons.

Motion seconded by Councilman Brady. Vote:

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

Linda Guest then presented the annual Town Historian report to the Town Board. She is also the Program Director of the Lyons Main Street program, replacing Joan Delaro who retired. She updated the Board on the Program's achievements and goals and asked for the Town's continued support.

Councilwoman Greco then moved to accept the Town's 2021 tentative budget as presented. 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

Meanwhile Supervisor Emmel suggested to the Board that budget workshops be held on Oct 5, Oct 6, Oct. 13, and Oct 14 (if needed) all at 6:30 p.m. All budget workshops will be held at the Town Hall.

Department reports were heard. Code Enforcement Officer Richard Bogan reported:

From August 25, 2020, through September 28, 2020

Building Permits issued: ...26

Building Permits Cleared, compliance issued....34

Violation/Order to Remedy issued: ...29

Violations Cleared: .....18

building collapse, 50 Canal Street demolition complete

Other Permits 5 inflow inspections, 2 inspections based on complaints, condemned  
3 re-inspection fire safety

Appearance Tickets .. 1 on going C of O issue, 1 unsafe building,  
1 court ordered clean up, 1 safety issue resolved

Zoning and Planning: 1 ZBA meeting, 1 planning board meeting, 4 issues pending public hearings

Assessor Kayla Sturgill reported total Property Transfers(Sales) in Aug. :12

6 Arms length usable for valuation purposes

6 quit claim(between family members, owner changes etc)-not valuation usable

September has been a busier month. Many phone calls regarding school bills, address changes, and assessment questions.

Tax rates have been updated and are available on the Wayne County website.

Set up a report for Amy to generate labels to send postcards to property owners about the comprehensive plan.

Been working with some census workers to verify addresses as the Census comes to an end.

Exemption forms will be sent out the end of October/beginning of November.

We ended up with 223.15 EDU's (Equivalent Dwelling Units) for the Regional Water Tank Storage Project. Just over half the units came from the County Complex on 31 and Nye Rd.

Ambulance Director John Wiltsie reported the ambulance responded to 159 calls in the month of August, providing 31 mutual aid calls to Newark, Clyde, and Sodus. He also reported that he needs to purchase

new tires for one of the rigs at a cost of \$1,200.00, including alignment. The Town Board gave him permission to purchase the new tires.

Supt. of Highways Tim Moore reported the new pick up truck should be delivered soon. Roadside mowing continues. The hanging pots in the downtown section of town have been removed and the pots in storage until spring. The department started hauling in sand for the winter season. One complete round of brush pick-up is completed.

Councilman D'Amato then moved to accept the resignation of Marissa Fisher as a member of the Town's ZBA and replace her with Mr. Luke Peterson, per the recommendation of ZBA Chairman Jim Wedman. Motion seconded by Councilwoman Greco. Vote:

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

Again this year, the Town Court is eligible for grant money from the State. After a brief discussion, Councilman Brady moved the Town of Lyons authorizes the Lyons Town Court to apply for a Justice Court Assistance Program Grant (JCAP) in the 2020-21 grant cycle. Motion seconded by Councilwoman Greco. Vote:

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

The following resolution was introduced by Councilman Brady and seconded by Councilman Paliotti and unanimously adopted.

WHEREAS, the Town of Lyons, pursuant to Section 209-q of the Town Law, has worked collaboratively with the Wayne County Water and Sewer Authority ("Authority") and the Towns of Arcadia, Huron, Lyons, Marion, Sodus, and Williamson (the "Participating Municipalities") to construct a Regional Storage Project (the "Project") to provide enhanced water storage and related redundancy and water system resiliency. The Project includes additional water storage, pumping, and transmission improvements.

WHEREAS, the Authority and the Participating Municipalities entered into that certain Regional Water Storage System Improvement And Services Agreement ("IMA") effective as of January 1, 2020 to outline the terms under which they will work together to construct, finance, and provide Operation and Maintenance ("O&M") for the Project.

WHEREAS, the Wayne County Water and Sewer Authority has commissioned and paid for a Map, Plan and Report by MRB Group To serve as the Map, Plan and Report required by each Participating Municipality in the formation of Article 12-C Improvement Areas, through which each Participating Municipality will assess capital charges for the Project pursuant to pertinent sections of the Town Law.

WHEREAS, such maps, plans and reports were filed with the Town Clerk of the Town Lyons on as required by Section 209-c of Article 12 of the Town Law.

WHEREAS, subsequent to the filing of such maps, plans and reports, the Town of Lyons by its town board adopted an order and entered the same in the minutes of its proceedings reciting the proposed water, drainage or water improvement, a description of the boundaries of the proposed benefited area, if any, the maximum amount proposed to be expended for the proposed water, drainage or water improvement, the proposed method of apportioning the costs of such water, drainage or water improvement, the proposed method of financing to be employed, the fact that a plan, report and map

describing the same are on file in the town clerk's office for public inspection and specifying the time when and the place where such board will meet and hold a public hearing at which all persons interested in the subject thereof may be heard concerning the same.

WHEREAS, The town board caused a copy of such order to be published at least once in a newspaper or newspapers designated pursuant to subdivision eleven of section sixty-four of the Town Law, the first publication thereof to be not less than ten nor more than twenty days before the day set therein for the hearing, and shall also caused a copy thereof to be posted upon the bulletin board in the office of the town clerk: to wit, publication in the Times of Wayne County on Aug. 9, 2020 and posting on the bulletin board on Aug. 5, 2020.

WHEREAS, Section 209-q of the Town Law of the State of New York empowers the Town Board of the Town of Lyons to provide for the establishment in the Town of Lyons of a Water District,

NOW, based on the above and the evidence given at the above mentioned hearing, it is resolved by the Town Board of the Town of Lyons that it is in the public interest to create said district and make the improvements set forth in the plans, maps and reports set forth above, and

BE IT FURTHER RESOLVED:

1. Such water district, to be known as the Town of Lyons Regional Water Storage Improvement District, as hereinafter described is and the same is hereby created.
2. The water improvements set forth in the plans, maps and reports and as hereinafter appear is approved subject to the approval of the state comptroller where such approval is required by law.
3. The Town of Lyons Regional Water Storage Improvement District includes the entire Town of Lyons outside the former Village of Lyons, bounded and described in Appendix D annexed to the engineer's report on file at the Town Clerk's Office and schedule A hereto.
4. The improvements shall be constructed in conjunction with the Towns of Williamson, Sodus, Huron, Marion and Arcadia said District.
5. The estimated cost to the typical property or typical dwelling unit (single-family home or equivalent dwelling unit) in the proposed District is estimated to be between \$45 - \$75 per year for those residents who join the system, which includes debt service and cost of water, to be assessed to each such unit in the proposed District, plus the customary user charges imposed by the Wayne County Water and Sewer Authority, and
6. Each new homeowner would bear the cost to construct a water service line on his/her property to connect to the new water service, and houses 200 linear feet or more from the road may be required to install a residential meter pit on the property at associated additional cost.
7. The maximum amount proposed to be expended for the establishment of said Water Storage District and the construction of said water distribution system is \$10, 500,000.
8. The proposed method of financing for the District includes a combination of grants, loans, capital charges and user charges calculated as follows:

The Authority will finance the project through a combination of grants and notes, bonds, or loans obtained through the issuance of one or more series of revenue bonds and/or revenue bond anticipation notes as authorized by the Authority or the Authority's trust indenture. Per the terms of the IMA, the Authority will charge an annual Service Fee to each Participating Municipality consisting of a capital charge payable by each Participating Municipality, based upon each Participating Municipality's Pro Rata Share of Project costs including the annual debt service associated with the notes, bonds, or loans issued by the Authority to finance the Project. Each Participating Municipality's Pro Rata Share and associated Service Fee will be based on its number of EDU's, as reevaluated annually by the respective Town Assessors.

Given the unique nature of Williamson as a supplier of water, the financing structure agreed to in the IMA caps Williamson's Service Fee (the "Williamson Cap") so as to be commensurate with a total capital cost share of approximately \$3.1 million, with any overage allocated to the other Participating Municipalities in proportion to their respective number of EDU's.

The Authority has been awarded grants totaling \$4,650,000 including the following:

- \$250,000 Senate Initiative Grant (these funds have been secured by the Authority).
- \$500,000 Northern Borders Regional Commission ("NBRC" Grant).
- \$3,900,000 Water Infrastructure Improvement Act ("WIIA" Grant).

Each Participating Municipality' Pro Rata Share and Service Fee is intended to result in a uniform annual cost per EDU for each Participating Municipality, with the exception of Williamson, for which the annual cost per EDU will be limited by the Williamson Cap. The annual cost per EDU, which is anticipated to appear as a Regional Storage Capital Charge on User's town property tax bills, will depend upon: (1) the actual capital cost of the Project; (2) the number of EDU' in each Participating Municipality and the corresponding total number of EDU' in all six Participating Municipalities, as reevaluated each year by the respective Town Assessors; (3) the actual receipt of the NBRC and WIIA funds that have been awarded to the Authority; and (4) the terms of the Authority's financing, which can only be estimated at this time. Depending upon the disposition of these factors, an estimated projected range of annual costs per EDU is presented in Table III.2 of the Engineering Report..

A. Projected Range of Annual Costs per EDU

Participating Initial Year. Estimated Annual Cost Per EDU and number of EDUs per Town

| Town       | # of EDUs | Range of annual capital charge |
|------------|-----------|--------------------------------|
| Williamson | 3,526     | \$25 - \$45                    |
| Sodus      | 1,254     | \$45 - \$75                    |
| Huron      | 888       | \$45 - \$75                    |
| Marion     | 1,483     | \$45 - \$75                    |
| Arcadia    | 1,059     | \$45 - \$75                    |
| Lyons      | 52        | \$45 - \$75                    |

It is also important to note that many Users within the participating Municipality' Improvement Areas are currently paying annual debt service associated with the Town water districts in which they reside and, if connected to the public water system, commodity charges in accordance with their metered water usage. The Regional Storage Project capital charge is in addition to these current expenses and the user rates charged by the Authority.

9. Copies of the map, plan and report submitted by MRB Group, David M. Doyle, P.E., Project No. 2300.16001.000, dated July, 2020 describing the proposed district are on file and available for review at the Town Clerk's Office during regular business hours.

10. The town clerk is directed to cause a certified copy of any resolution or order adopted pursuant to paragraph (c) of this subdivision, subdivision five or paragraph (c) of subdivision eight of this section to be duly recorded in the office of the clerk of the county in which the town is located within ten days after the adoption of such resolution, or within ten days of the receipt of notification of the approval of the state comptroller where such approval is required by subdivision five or subdivision thirteen of this section. When so recorded, such resolution shall be presumptive evidence of the regularity of the proceedings and actions taken by the town board in relation thereto.

11. Any interested person aggrieved by this resolution and order may review the same by a proceeding pursuant to article seventy-eight of the civil practice law and rules provided such proceeding is commenced within thirty days from the date of the recording of the certified copy of the resolution or order in the office of the county clerk. Any such resolution or order shall be final and conclusive unless a proceeding pursuant to article seventy-eight of the civil practice law and rules has been commenced within thirty days from the date of recording thereof. No review shall be had unless at the time the

proceeding is commenced the interested person seeking the review shall give an undertaking approved by the supreme court, or a justice thereof, as to form, amount and sufficiency of sureties, that, in the event of failure to modify such resolution or order he or they will pay to the town board all costs and expenses as are incurred by it on account of the said proceeding as shall be determined by the court. In the event that upon such review there shall be any modification by the court of such resolution the court shall direct the modification thereof by order which shall be final and conclusive and such town board shall cause such order to be recorded and filed in the same place and manner as was the resolution or order appealed from.

Dated: September 30, 2020

By order of the Town Board  
Town of Lyons  
Sal Colatarci  
Town Clerk

#### SCHEDULE A

Beginning at a point, said point located at the intersection of two lines, 1) The northerly corporate property line of the Village of Lyons and 2) the westerly right-of-way line of the New York State Route 14 Highway, as shown on a district map prepared Joseph A Pullen P.E. dated 04-23-08 and described by the following courses, thence;

1. Westerly along said northerly Village of Lyons property line a distance of 395 +/- feet to the intersection with the Easterly property line of Kent Marshall, tax map number 71112-00-083267, thence;
2. Northerly along the easterly property line of tax map number 71112-00-083267 a distance of 443.93 feet +/- to the property corner.
3. Easterly along the easterly property line of tax map number 71112-00-083267 a distance of 173.07 feet +/- to the property corner.
4. Northerly along the easterly property line of tax map number 71112-00-083267 a distance of 400.00 feet +/- to the property corner.
5. Easterly along the southerly property line of tax map number 71112-00-083267 a distance of 196.14 feet +/- to the property corner.
6. Southeasterly along the southerly property line of tax map number 71112-00-083267 a distance of 53.00 feet +/- to the point of intersection with the westerly right-of-way line of the New York State Route 14 Highway.
7. Southerly along said Westerly right-of-way line of the New York State right-of-way a distance of 723.00 feet +/- to the point of beginning.

Councilman Paliotti then moved to transfer \$54,500.00 from A909 (fund balance) to A200 (General Checking) for the demolition of the building at 50 Canal Street. 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

Councilman D'Amato then moved to transfer \$57,390.00 from General Fund A909 (fund balance) to General Fund checking A200 to cover the cost of demolishing the building at 50 Canal Street earlier this month. Motion seconded by Councilman Paliotti. Vote:

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

Attorney Villani then presented the Board with a number of resolutions the Board needs to pass regarding the re-codification of Town Codes. This all must be completed prior to holding a Public Hearing on the matter.

Councilman Brady moved to acknowledge receipt of the proposed code within 10 days of this date. 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

Councilman D'Amato then moved to authorize the Town Clerk to advertise and post notice of the scheduled Public Hearing to be held on Tuesday Nov. 24, 2020 at 6:45 p.m. at the Lyons Community Center. 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

Councilwoman Greco then moved to Authorize the Town Supervisor to sign a full environmental assessment form as required. 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

Councilman D'Amato then moved that the recodification id subject to SEQR type I action. 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

Councilman D'Amato then moved to authorize the Town Supervisor to give notice as is required by law including all Towns bordering the Town of Lyons as well as all school districts within the Town of Lyons. 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

Councilwoman Greco then moved to declare the Town to be lead agency for the project. Motion seconded by Councilman D'Amato. Vote:

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

Councilman Paliotti then moved to refer the codification to both the County and Town Planning Board for review. Motion seconded by Councilwoman Greco. Vote:



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

Mr. John Murtari then addressed the Board regarding Animal Control in Lyons. He questioned how many warnings someone should be given before the Animal Control Officer gives a ticket to someone who has a dog running at large in the former Village. He suggested perhaps the Town provide the ACO with a definitive number of warnings before issuing a ticket. Supervisor Emmel said he would discuss this with the Animal Control Officer.

At 7:40 p.m., Councilman Brady moved to go into executive session to discuss litigation matters, asking Town Attorney Villani to remain. Motion seconded by Councilwoman Greco. Vote:

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

At 8:40 p.m., Councilman D'Amato moved to come out of executive session. Motion seconded by Councilwoman Greco. Vote:

Councilman D'Amato voting aye  
Councilwoman Greco voting aye  
Councilman Paliotti 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