

July 22, 2015

The Town Board of the Town of Lyons met for a workshop on Wed. July 22, 2015, at 7:00 p.m. in the Town Board meeting room.

Present: Brian Manktelow, Supervisor
Dan LaGasse, Councilman
Nancy Collins, Councilwoman
Phil DeSain, Councilman
Sal Colatarci, Town Clerk
Tim Moore, Acting Highway Supt.

Also Present: Tony Villani, Atty., Bob Milliman, Jim Wedman, Richie Santelli

Absent: Ralph D'Amato, Councilman

This workshop 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 Pledge of Allegiance.

Town Attorney Tony Villani explained that as part of the creation of a joint fire district with the Village, the Town first needs to dissolve the current fire protection district and public hearing needs to be held in order to accomplish this. After a discussion, Councilman DeSain moved the following resolution, seconded by Councilwoman Collins:

WHEREAS, the Town Board of the Town of Lyons and the Board of Trustees of the Village of Lyons having duly convened on May 27, 2015, in joint session for the purpose of jointly considering the formation of a joint fire district, to be called the Lyons Fire District, pursuant to the provisions of section 189-a of the Town Law and section 22-2210 of the Village Law; and

WHEREAS, the Lyons Fire District will include all parcels of land within the Town of Lyons currently within the Lyons Fire Protection District, and will include all parcels of land within the incorporated limits of the Village of Lyons; and

WHEREAS, the resolution creating the Lyons Fire District is contingent upon the dissolution of the Lyons Fire Protection District; and

WHEREAS, the Town Board of the Town of Lyons proposed to dissolve the Lyons Fire Protection District and establish the Lyons Fire District which will provide fire protection and first response emergency rescue services to the Town of Lyons in the area currently encompassed in the Town of Lyons Fire Protection District and in the territory of the Village of Lyons; and

WHEREAS, General Municipal Law §773(2) provides that the Town Board for the Town of Lyons may commence a dissolution proceeding for the Lyons Fire Protection District, a local government entity, by endorsing a proposed dissolution plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED, pursuant to General Municipal Law §774, the Town Board of the Town of Lyons endorses the following Proposed Dissolution Plan:

- (a) The name of the local government entity to be dissolved is the Lyons Fire Protection District;
- (b) The territorial boundaries of the entity are the entire territory of the Town of Lyons outside the territorial limits of the Villages of Lyons;
- (c) The type and/or class of the entity is a fire protection district formed pursuant to Town Law §170;
- (d) The Town Board estimates that the cost of dissolution of the Fire Protection

District is Three Hundred and 00/xx dollars (\$ 300), which is the cost to provide a public hearing upon notice;

(e) The Lyons Fire Protection District has no public employees and does not need to provide any plan for the transfer or elimination of public employees;

(f) The Lyons Fire Protection District does not have any assets, including but not limited to real and personal property, and thus the fair value thereof in current money of the United States is zero dollars (\$0);

(g) The Fire Protection District does not have any liabilities and indebtedness, bonded or otherwise;

(h) There are no agreements entered into with the between the Lyons Fire Protection District and the Town of Lyons in order to carry out the dissolution;

(i) The Town of Lyons and the Village of Lyons have proposed and approved the establishment of the Lyons Fire District, through which all of the residents of the Town of Lyons Fire Protection District will continue to be furnished firefighting and first response emergency rescue services from the Lyons Fire Department, working as the fire department of the Lyons Fire District, following the dissolution of the Lyons Fire Protection District;

(j) As the Lyons Fire Protection District does not have assets, there are no terms for the disposition of the entity's assets and the disposition of its liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;

(k) There are no local laws, ordinances, rules or regulations of the Lyons Fire Protection District which shall remain in effect after the effective date of the dissolution or shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;

(l) The effective date of the proposed dissolution will be September 2, 2015;

(m) The time and place or places for a public hearing or hearings on the proposed dissolution plan pursuant to General Municipal Law §776, will be September 2, 2015 at 7:10 pm, at the Lyons Town Hall, located at 43 Phelps Street, Lyons; and

(n) There are no other matters desirable or necessary to carry out the dissolution.

IT IS FURTHER RESOLVED, that the Town Clerk for the Town of Lyons shall post and publish the proposed dissolution plan within the fire protection district, and

IT IS FURTHER RESOLVED, that the Town Board for the Town of Lyons shall hold at least one public hearing on the dissolution, which shall be held on September 2, 2015 at 7:00 p.m. at the Lyons Town Hall, 43 Phelps Street, Lyons, New York, to consider the dissolution of the Lyons Fire Protection District, and

IT IS FURTHER RESOLVED, that following the conclusion of the public hearing the Town Board shall meet to take such other and further action on the part of said Board with relation thereto as may be authorized and prescribed by law.

Vote:

Councilman DeSain Voting aye
Councilwoman Collins voting aye
Councilman LaGasse voting aye
Supervisor Manktelow voting aye

Councilman LaGasse then moved the following resolution, seconded by Councilman Desain:

WHEREAS, the Town Board of the Town of Lyons duly convened this date for the purpose of considering the dissolution of the Lyons Fire Protection District in order to enable the formation of a joint fire district, the objects and purposes of which is to consolidate the fire protection and rescue services within the area of the joint fire district, which is to be called the Lyons Fire District, pursuant to the provisions of section 189-a of the Town Law and section 22-2210 of the Village Law; and

WHEREAS, such joint fire district would include all parcels of land within the Town of Lyons, including all parcels of land currently within the incorporated limits of the Village of Lyons, which shall be dissolved effective as of January 1, 2016 at which time all such parcels of land shall become part of the Town of Lyons.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lyons will hold a public hearing on September 2, 2015 at 7:15 p.m. at the Lyons Town Hall, located at 43 Phelps Street, Lyons, New York, to consider the dissolution of the Lyons Fire Protection District, and for such other and further action on the part of said Board with relation thereto as may be authorized and prescribed by law.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Lyons shall direct its clerk to cause notice of such public hearing to be published in a newspaper having general circulation in the Lyons Fire Protection District, at least once a week for a period of four (4) consecutive weeks, and shall cause the Notice to be posted in public conspicuous places in the Town of Lyons Fire Protection District, not less than ten days before the date of the public hearing, and that one of the posting requirements for may be fulfilled by posting such information on the Town websites, and that one of the posting requirements may be fulfilled by posting on the Town sign boards; and

BE IT FURTHER RESOLVED, that a public meeting of the Town Board of the Town of Lyons shall take place at the same location as the public hearing, and shall commence immediately after the conclusion of the public hearing, but no sooner than thirty (30) minutes after the scheduled commencement time of the public hearing, at which time the Board may Resolve to dissolve the fire protection district.

Vote:

Councilman LaGasse voting aye
Councilman DeSain voting aye
Councilwoman Collins voting aye
Supervisor Manktelow voting aye

Councilman LaGasse then moved the following opposing LPG storage adjacent to Seneca Lake:

WHEREAS, The Town Board of the Town of Lyons recognizes the importance of the Finger Lakes water shed as a whole and specifically Seneca Lake to the State, Region and local communities; and

WHEREAS, it has come to the attention of the Lyons Town Board that a plan has been proposed for storage of LPG and other Carbon based fuels in large quantities in unlined abandoned salt caverns, adjacent to and beneath the shores of Seneca Lake; and

WHEREAS, the Lyons Town Board is keenly aware of the role played by Seneca Lake in providing drinking water for over 100 thousand residents in the Finger Lakes Region, its designation as a scenic by-way, its role as a recreational asset and in promotion of area tourism and the burgeoning Wine and Brewing Industry as well as its importance to the fish and wildlife of the Finger Lakes area; and

WHEREAS, it is the understanding of the Lyons Town Board that a specific site, Well 58, proposed for such storage had previously been plugged and abandoned by the prior

owner, New York State Electric and Gas Corp. and deemed no longer appropriate for storage of the type proposed by the current owner; and

WHEREAS, the Town Board is deeply concerned with reports of the failure of structures of the same type being suggested for such storage at Seneca Lake due to earth tremors of the same severity sometimes experienced in up-state New York as well as reports of leakage in similar structures that are neither designed nor built specifically for the purpose proposed; and

WHEREAS, catastrophic consequences to the Lake and the Finger Lakes Water Shed would be unavoidable in the event of a similar event taking place at the proposed storage site; and

WHEREAS, the Lyons Town Board is aware that the Department of Environmental Conservation has expressed similar concerns over such site failures both here and at other similar facilities around the country; now, therefore be it

RESOLVED, that the Town Board of the Town of Lyons joins Senator Michael Nozzolio and many other Finger Lakes regional municipalities in respectfully requesting that the New York State Department of Environmental Conservation deny approval of the permit for the storage of LP Gas adjacent to or under Seneca Lake and exercise its power in assisting in the determination of a more appropriate location for such a storage site outside the Finger Lakes Watershed.

Above seconded by Councilwoman Collins.

Vote:

Councilman LaGasse voting aye
Councilwoman Collins voting aye
Councilman DeSain voting aye
Supervisor Manktelow voting aye

Councilman DeSain moved that the Board approves the payment of two more voucher from last months General Fund. Vouchers number 271 to Excellus BC/BS totaling \$956.68 and number 272 Rochester Area teamsters totaling \$2,086.63. Motion seconded by Councilwoman Collins. Vote:

Councilman DeSain voting aye
Councilwoman Collins voting aye
Councilman LaGasse voting aye
Supervisor Manktelow voting aye

Supervisor Manktelow mentioned that he received word from the State that next year, the tax cap allowance will be .73 percent. He pointed out that the rate of inflation has reduced the cap from 2 percent two years ago to this new figure for 2016.

Councilman LaGasse moved to allow the Supervisor to get prices to both seal and stripe both Town Hall parking lots at 43 Phelps Street. Motion seconded by Councilwoman Collins. Vote:

Councilman LaGasse voting aye
Councilwoman Collins voting aye
Councilman DeSain voting aye
Supervisor Manktelow voting aye

At 8:05 p.m. , Councilman DeSain moved to go into executive session to discuss an employment matter. Motion seconded by Councilwoman Collins. Vote:

Councilman DeSain voting aye
Councilwoman Collins voting aye
Councilman LaGasse voting aye
Supervisor Manktelow voting aye.

At 9:15 p.m., Councilwoman Collins moved to come out of executive session. Motions seconded by Councilman LaGasse. Vote:

Councilwoman Collins voting aye
Councilman LaGasse voting aye
Councilman DeSain voting aye
Supervisor Manktelow voting aye.

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

Sal J. Colatarci

Lyons Town Clerk