

July 29, 2015

The Town Board of the Town of Lyons met for a meeting on Wed. July 29, 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., Jim Wedman, Bob Milliman, John Paliotti, Richie Santelli, Pete Mastracy, Dave Closs, Theresa Caparco, Ed Easton, Joe Sapp, Sam Toner, Rodney Lake, Bruce and Sharon Lubitow, Paul Fera Jr.(arrived at 7:40 p.m.)

Absent: Ralph D'Amato, Councilman

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 Pledge of Allegiance.

Councilman LaGasse moved to accept the minutes from the June 24 2015 meeting and the July 22, 2016 workshop. Motion seconded by Councilman DeSain. Vote:

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

The Board then discussed a quote received from Mr. Richie Santelli to repair the maintenance building at the Rural cemetery on Spencer Street. The quoted price, not to exceed \$10,000.00 included a variety of various work. As there was some discussion of perhaps building a new structure to be shared by both the Rural cemetery and The Elmwood cemetery workers to house all equipment, the matter was tabled until a later date.

Town Attorney Tony Villani explained that he found it necessary to pull the legal notice passed by the board at its last workshop when he reviewed and discovered that it did not contain the abstract of the plan nor the place where the plan could be inspected. As a result, the Town Board needs to pass a new the resolution to include the abstract of plan and the place where the plan can be inspected, both of which are now included in the Legal Notice(s) to be posted in the Times of Wayne newspaper for 4 weeks. As a result of the delay, the Public hearing will be delayed one week, to be held on Wed. Sept. 9, 2015. at 7:15 p.m.

Councilman LaGasse moved to retract all resolutions made at the July 22, 2015 workshop. Motion seconded by Councilman DeSain. Vote:

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

After a discussion, Councilwoman Collins moved to adopt the descriptive summary of the proposed dissolution. Motion seconded by Councilman DeSain. Vote:

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

Councilman DeSain then moved to schedule the Public Hearing to dissolve the current Fire protection District for Wed. Sept. 9, 2015 at 7:15 p.m. in the Town Hall Board Room. Motion seconded by Councilman LaGasse; Vote:

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

Councilman LaGasse then moved to endorse the present Fire protection Dissolution plan. Motion seconded by Councilman DeSain. Vote:

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

Councilman LaGasse then moved to sign on to the same resolution passed by the Lyons Village Board to create the Joint Fire District and appoint the submitted names of the 5 Fire Commissioners and the District's Treasurer. Motion seconded by Councilman DeSain. Vote:

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

Department reports were then heard. Assessor Tina McQuillen, in her written report stated that she has begun work on the valuation for the 2016 reassessment project for the Town. She has reviewed 21 building permits, and made adjustments to assessment values according.

Acting Highway Supt., stated that roads are all re-broomed for striping, sanders are back together, continue to mow roadsides and the canal bank for the village. Also, the Town is trimming trees in the village for paving projects. Mr. Moore is still waiting for a price on a 1 ton truck. Milling work with the Village and neighboring Towns will begin next week.

Councilman LaGasse moved to approve payment of General Fund vouchers # 273 through # 315 totaling \$ 53,727.10
And Highway Fund vouchers #113 through # 138 totaling \$20,656.90
Motion seconded by Councilwoman Collins. Vote:

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

Supervisor Manktelow mentioned that he received correspondence from the County Board of Elections that effective immediately; the Lyons Community Center on Manhattan Street will be the new polling place for all districts in Lyons. The VFW on Route 14 will no longer be the polling location.

Supervisor Manktelow also acknowledged that the Town had received a note from the Lyons Peppermint days Committee thanking the Town for it's donation to the festival.

After a discussion, Councilwoman Collins moved to allow the Town Supervisor to sign an intermunicipal agreement with the County water and Sewer Authority. Motion seconded by Councilman LaGasse. Vote:

Councilwoman Collins voting aye
Councilman LaGasse voting aye
Councilman DeSain voting aye

Supervisor Manktelow voting aye

Supervisor Manktelow explained that three individuals from the State Comptrollers Office spent the day at the Town Hall reviewing both Town and Village budgets to determine what tax levy amount would be available to the Town once the Village is dissolved in 2016. Currently, the Town has about a \$900,000.00 available. With Village dissolution, the Town will be able to add \$663,000.00 to that levy for a total of around 1.5 million dollars.

Theresa Caparco then addressed the Board concerning her earlier request to remove about 20 or so headstones that are located in various locations in the Town, and place those stones in the Rural cemetery as she believes this is where most of those people are buried, being moved back in the 1800's from the cemetery that was once at the site of the Presbyterian Church on Broad Street. Town Attorney Villani explained to her that it is not the Town's responsibility to remove and place the head stones at the cemetery and any statute of limitations has expired. It was suggested that perhaps she should contact the church to see if it can provide some form of assistance to have the stones removed, though there is still the question of where to place the headstones as it is not known where all the family members are buried.

At 8:30 p.m., Councilman DeSain moved to go into executive session to discuss an employment situation asking Ambulance Administrator Paul Fera to remain. Motion seconded by Councilwoman Collins. Vote:

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

At 9:30 p.m., Councilman LaGasse moved to come out of executive session. Motion seconded by Councilman DeSain. Vote:

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

Councilman DeSain then moved to hire Mr. Tom Sawtelle to work for the Town as the temporary Code Enforcement Officer on a per diem basis until a full time CEO is hired. It's expected of mr. Sawtelle to spend 4 hours per week in the office to answer questions and phone calls. Motion seconded by Councilman LaGasse. Vote:

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

As there was no further business, the meeting was adjourned 9:40 p.m.

Sal J. Colatarci
Lyons Town Clerk

Resolutions passed at tonight's meeting concerning the Fire Protection District and the Joint Fire District are as follows:

In the Matter

of the

DISSOLUTION
Establishment of the LYONS
FIRE DISTRICT, in the Town of
Lyons and the Village of Lyons,
County of Wayne, State of New York.

DESCRIPTIVE SUMMARY
OF PROPOSED

PLEASE TAKE NOTICE THAT the Town Board of the Town of Lyons endorsed a Proposed Dissolution Plan for the dissolution of the Lyons Fire Protection District. The descriptive summary of the plan is as follows:

The Town of Lyons proposes to dissolve the Lyons Fire Protection District, which has boundaries including all of the Town of Lyons outside the Village of Lyons. It is a fire protection district originally formed under section 170 of the Town Law. The Town Board estimates the cost of dissolution to be no more than \$5,000.00, which is the cost to hold a public hearing and for legal fees related to the dissolution. The fire protection district does not have any assets or liabilities to value and it does not have any employees to transfer to any other entity, and there are no terms or agreements needed or in place to carry out the dissolution. The dissolution is contingent on the establishment of the Lyons Fire District, a joint fire district being created with the village of Lyons and certain conditions prerequisite contained in the joint resolution. There are no local laws, ordinances, rules or regulations of the Lyons Fire Protection District which remain in effect after dissolution. The residents of the existing fire protection district will continue to receive fire protection from the Lyons Fire District following the dissolution of the fire protection district. The Town Board of Lyons will hold a public hearing on the proposed dissolution plan on September 9, 2015 at 7:15 pm., at the Lyons Town Hall, located at 43 Phelps Street, Lyons. The town proposes that the dissolution will be on or about January 1, 2016.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LYONS

Dated: July 29, 2015
Sal Colatarci, Lyons Town Clerk

PRESENT: Town of Lyons:
Brian Manktelow, Town Supervisor
Dan LaGasse, Councilman
Nancy Collins, Councilwoman

Phil DeSain, Councilman

In the Matter	RESOLUTION	AND
ORDER		
of the	CALLING FOR PUBLIC	HEARING
Establishment of the LYONS FIRE DISTRICT, in the Town of Lyons and the Village of Lyons, County of Wayne, State of New York.		

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 9, 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.

Brian Manktelow, Town Supervisor voting aye

Dan LaGasse, Councilman voting aye

Nancy Collins, Councilwoman voting aye

Ralph D'Amato, Councilman ABSENT

Phil DeSain, Councilman voting aye

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LYONS

Dated: July 29, 2015

Sal Colatarci, Lyons Town Clerk

At a special meeting of the Town Board of
the Town of Lyons, in the County of Wayne,
New York, held at Lyons, New York on July
29, 2015

PRESENT: Town of Lyons:
Brian Manktelow, Town Supervisor
Dan LaGasse, Councilman
Nancy Collins, Councilwoman

Phil DeSain, Councilman

In the Matter

of the

NOTICE OF PUBLIC
HEARING

Establishment of the LYONS
FIRE DISTRICT, in the Town of
Lyons and the Village of Lyons,
County of Wayne, State of New York.

PLEASE TAKE NOTICE THAT there shall be a public hearing of the Town Board of the Town of Lyons, for the purpose of taking public comment on the proposed dissolution plan for the dissolution of the Lyons Fire Protection District, which is a prerequisite to the establishment and formation of the Lyons Fire District. Said plan may be examined at the office of the Town Clerk, 43 Phelps Street, Lyons, New York daily during the hours of 9am to 4pm. A descriptive summary of the plan is published herewith. The public hearing shall be held on the 9th day of September, 2015, at the Lyons Town Hall, located at 43 Phelps Street, Lyons, New York, and shall be held at 7:15 p.m. All persons interested in the establishment of the district may be heard.

This resolution has been approved by at least a majority of the Town Board as indicated by their signatures on this document.

PLEASE TAKE FURTHER NOTICE 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 minutes after the scheduled commencement time of the public hearing.

s/ Brian Manktelon, Town Supervisor
s/ Dan LaGasse, Councilman
s/ Nancy Collins, Councilwoman

s/ Phil DeSain, Councilman

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LYONS

Dated: July 29, 2015

Sal Colatarci, Lyons Town Clerk

In the Matter

ENDORISING

of the

DISSOLUTION

RESOLUTION

PROPOSED

**DISSOLUTION PLAN OF
THE LYONS FIRE
PROTECTION DISTRICT**

Establishment of the LYONS
FIRE DISTRICT, in the Town of
Lyons, the Village of Lyons, County of Wayne,
State of New York.

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 no more than Five Thousand dollars (\$ 5000), which is the cost to provide a public hearing upon notice and the legal fees for dissolution;
- (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 9, 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 9, 2015 at 7:15 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 9, 2015 at 7:15 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.

<p>Town of Lyons</p> <p>_____</p>	<p>Voting aye _____</p> <p>Brian Manktelow, Town Supervisor</p> <p>Voting aye _____</p> <p>Dan LaGasse, Councilman</p> <p>Voting aye _____</p> <p>Nancy Collins, Councilwoman</p> <p>ABSENT _____</p> <p>_____</p>
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Ralph D'Amato, Councilman

Voting aye

Phil DeSain, Councilman

Resolutions of Approval of Creation of Lyons Fire District

Resolutions approving the creation and establishment of a joint fire district encompassing the whole of the Town of Lyons and the Village of Lyons.

WHEREAS, the Town Board of the Town of Lyons, following a joint public hearing with the Board of Trustees of the Village of Lyons on May 27, 2015 regarding the establishment of joint fire district encompassing the whole of the Town of Lyons and the Village of Lyons, hereby adopts the following resolutions:

RESOLVED, that the Town Board of the Town of Lyons (the "Town") determines that the notice of public hearing on the formation of proposed Lyons Fire District has been properly published, posted and served, and it is further

RESOLVED, that such public hearing was duly held, jointly with the Board of Trustees of the Village of Lyons, and it is further

RESOLVED, that the Town has complied with the provisions of the State Environmental Quality Review Act, and has duly issued its Negative Declaration, and it is further

RESOLVED, that all property and owners in the proposed district are benefited, and it is further

RESOLVED, that all benefited property and owners are located within the proposed district, and it is further

RESOLVED, that formation of proposed Lyons Fire District is in the public interest, and it is further

RESOLVED, that the creation of Lyons Fire District is approved, subject to permissive referendum as provided by law, and it is further

RESOLVED, that the creation of Lyons Fire District is approved, subject to the dissolution of the Lyons Fire Protection District as provided by law and the conditions precedent contained herein, and it is further

RESOLVED, that the boundaries of the said Lyons Fire District shall be as set forth in the attached Schedule A, and it is further

RESOLVED, that the said Lyons Fire District shall be governed by a Board of Fire Commissioners to be five (5) in number, and it is further

RESOLVED, that as a condition precedent to the Board of Trustees of the Village of Lyons consenting to the formation of the Fire District that the said commissioners shall be elected in the manner described in Town Law Article 11 and that the initial appointments of commissioners and the initial appointments provided for in Town Law 174 (1) shall be made by the Town Board with all terms ending from such initial appointment on December 31, 2016 and that the first elections to be held pursuant to Town Law 174 (1) shall be held on December 13, 2016, and it is further

RESOLVED, that as a further condition precedent to the Board of Trustees of the Village of Lyons consenting to the formation of the Fire District that the treasurer shall also be initially appointed by the Town Board as provided for herein, and then thereafter elected pursuant to Town Law Article 11, and it is further

RESOLVED, that the provisions of Town Law 189-f pertaining to the acquisition of real property or easement shall not apply, and it is further

RESOLVED, that the Clerk of this Municipality is authorized and directed to publish and post a notice of adoption of this resolution subject to permissive referendum, and it is further

RESOLVED, that as a further condition precedent to the Board of Trustees of the Village of Lyons consenting to the formation of the Fire District that the following residents of the Lyons Fire District shall be appointed by the Town Board of the Town of Lyons as the Board of Fire Commissioners of the Lyons Fire District, with such appointments effective immediately upon the dissolution of the Lyons Fire Protection District, for the term expiring on December 31, 2016:

Frank Quinn
Brian Engels
Jim Brady
Sergi Bartishevich
Crystal Wadhams

and it is further

RESOLVED, that as a further condition precedent to the Village Board of Trustees of the Village of Lyons consenting to the formation of the Fire District that the following resident of the Lyons Fire District shall be appointed by the Town Board of the Town of Lyons as the Treasurer of the Lyons Fire District, with such appointment effective immediately upon the dissolution of the Lyons Fire Protection District, for the term expiring on December 31, 2016:

Darlene Whitcomb

and it is further

RESOLVED, that as a further condition precedent to the Village Board of Trustees of the Village of Lyons consenting to the formation of the Fire District that immediately upon the dissolution of the Lyons Fire Protection District the Town Clerk is directed to notify each of the appointees of their respective appointments to such Board of Fire Commissioners and as Treasurer, and that the Board of Fire Commissioners shall conduct its First Organizational Meeting within ten (10) days of such dissolution at the Lyons Fire Station, 23 Water St, Lyons, New York on such date and time as the Town Clerk shall so designate, and it is further

RESOLVED, that the Town Clerk is authorized and directed and shall cause to be recorded a certified copy of these resolutions establishing the Lyons Fire District with the Wayne County Clerk within ten (10) days hereof and that when so recorded it shall be presumptive evidence of the regularity and validity of the creation of the Lyons Fire District and of the acts of the Town Board related thereto, and the Town Clerk is further authorized and directed and shall cause to be filed a certified copy of these resolutions establishing the Lyons Fire District with the office of the State Comptroller department of audit and control in Albany, New York within ten (10) days of the dissolution of the Lyons Fire Protection District.

On the resolution:

1. _____ voting aye _____
Brian Manktelow, Town Supervisor

2. ____ voting aye _____
Dan LaGasse, Councilman
3. ____ voting aye _____
Nancy Collins, Councilwoman
4. ____ ABSENT _____
Ralph D'Amato, Councilman
5. ____ voting aye _____
Phil DeSain, Councilman

Dated: July 29, 2015

