

Dec. 30, 2015

The Town Board of the Town of Lyons met for a meeting on Wed. Dec. 30, 2015, at 7:00 p.m. in the Town Board meeting room.

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

Also Present: Jim Wedman, John Wiltsie, Jake Emmel, Jason DeVito, Pete Mastracy, Joanne Greco, Tony Villani, atty., Brian Engels, Chris Mierke, Jackie Dishaw, Olivia Martin

Absent: Dam LaGasse, Councilman  
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.

Councilwoman Collins moved to accept the minutes from the Nov. 18 meeting and Dec. 14 workshop. Motion seconded by Councilman DeSain. Vote:

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

Department reports were heard. Assessor Tina McQuillen in her written report stated that she will be printing change of notices for resident's assessments and will hold informal hearing beginning in Feb. Informal hearings will end the first week of April. She will hold an informational meeting for the residents of Lyons some time in January.

Assistant Ambulance Administrator John Wiltsie reported that the ambulance responded to a total of 106 calls in Nov. Also, four used lockers were donated to the ambulance dept. from Ultra Life and Dobbins Drugs donated a blood glucose meter, and Bayer MFG donated 2 glucose meters.

Highway Supt Tim Moore reported that plow routes have been established with both town and former village workers. The newest employee, Dale Kenville has been in training Moore mowing continues to take place as the weather is cooperating. The John Deere mowing tractor went to LakeLand for warranty work. New radios have been installed in the new truck as well as running boards on the new truck. Former Village vehicles are being registered to the Town.

Councilman DeSain moved to authorize the Supervisor to sign papers to allow the billing agent to collect Medicare and Medicaid money for the Town Ambulance Dept. Motion seconded by Councilman DeSain. Vote:

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

Councilwoman Collins moved approve general Fund vouchers #479 through #537 totaling \$142,456.50  
And Highway fund vouchers #190 through #216 totaling \$28,044.90  
Motion seconded by Councilman DeSain. Vote:

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

Councilman DeSain moved to allow the Supervisor to sign the annual contract with the Wayne County Humane Society. Motion seconded by Councilwoman Collins. Vote:

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

On the recommendation of Attorney Mark Butler, Town attorney Tony Villani, with some concerns, suggested that the Town Board once again re-adopt a resolution subject to permissive referendum for the approval of the creation of a Fire District. After a discussion, Councilman DeSain moved the resolution, seconded by Councilwoman Collins and passed unanimously:

#### TOWN OF LYONS

##### NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

The following resolutions were re-adopted, *nunc pro tunc*, on December 30, 2015 and solely for compliance with Town Law 90 following the formation of the Lyons Fire District, which resolutions are subject to permissive referendum:

##### 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. \_\_\_\_\_ aye \_\_\_\_\_  
Brian Manktelow, Town Supervisor
2. \_\_\_\_\_ absent \_\_\_\_\_  
Dan LaGasse, Councilman
3. \_\_\_\_\_ aye \_\_\_\_\_  
Nancy Collins, Councilwoman
4. \_\_\_\_\_ absent \_\_\_\_\_  
Ralph D'Amato, Councilman
5. \_\_\_\_\_ aye \_\_\_\_\_  
Phil DeSain, Councilman

Sal Colatarci, Town Clerk  
Town of Lyons

#### SCHEDULE A

Legal Description  
Lyons Fire District

ALL THOSE PREMISES, contained within the boundaries of the whole of the Village of Lyons and the whole of the Town of Lyons as such municipalities existed on January 1, 2015.

Supervisor Manktelow mentioned that the Town has received word that the weight limit on the County House Bridge has been lowered to 5 tons.

Also, Supervisor Manktelow announced that the Village has turned over \$1,525,096.00 to the Town to be used as part of the Village debt district. He also stated that there is some confusion in the community about the debt district. He said the Town will still have obligations that will need to be covered by the debt district funding such as workers compensation cases and Village retirees insurance premiums.

At 8 p.m., Councilwoman Collins moved to go into executive session to discuss the union contract with the highway dept. employees. Motion seconded by Councilman DeSain.  
Vote:

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

At 8:45 p.m., Councilman DeSain moved to come out of executive session. Motion seconded by Councilwoman Collins. Vote:

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

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

Sal J. Colatarci  
Lyons Town Clerk