

July 31, 2013

NOTE: This month's minutes were written by Michele Villani in the absence of Town Clerk Sal Colatarci

The Town Board of the Town of Lyons met for a regular monthly meeting on Wed. July 31, 2013 in the Town Board meeting room.

Present: Brian Manktelow, Supervisor
Dan LaGasse, Councilman
John Paliotti, Councilman
Ralph D'Amato, Councilman
Phil DeSain, Councilman
Jake Emmel, Supt. of Highways

Also Present: Michele Villani, Jim Wedman, Ed Divelbliss, Lloyd Divelbliss, Rodney Lake,

Absent: Sal Colatarci, Town Clerk (death in family)

This meeting was duly noticed by contacting the Times of Wayne newspaper, as well as posting a notice on the Town bulletin board.

All stood for the Pledge of Allegiance

*prior to tonight's meeting, the Town Board recognized Mr. Ed Divelbliss for his many years of service with the Town highway Dept. Supervisor Manktelow presented him with a plaque and cake was also served to those who were in attendance.

At 7:15 p.m., the meeting was called to order.

Councilman LaGasse moved to accept the minutes from the June 26, 2013 meeting. Motion seconded by Councilman D'Amato. Vote:

Councilman Paliotti voting aye
Councilman DeSain voting aye
Councilman D'Amato voting aye
Councilman LaGasse voting aye
Supervisor Manktelow voting aye

Jim Wedman then gave a report to the Board concerning his recent ZBA meeting held on July 23, 2013. The ZBA adjourned the meeting while tabling any action on the matter until the Board reconvenes at another meeting on Aug. 13th.

The Board then discussed an appointment to the Town's ZBA as the Board is still one member short. The issue will be addressed after hearing back from Chairman Wedman.

Department reports were heard. Ambulance Administrator Paul Fera Jr. reported that the department responded to a total of 129 calls during the month of June, 78 of those Advanced Life calls.

Supervisor Manktelow then acknowledged Paul Fera Jr., the Town's Ambulance Administrator, for his recent award naming him Advanced life Support provider of the Year. Supervisor Manktelow felt it is an honor for the Town to have such a qualified person working on our behalf.

Highway Supt. Jake Emmel reported. He requested that he be given permission to attend the fall Highway Conference. A motion was made by Councilman DeSain to attend the conference. Motion seconded by Councilman D'Amato. Vote:

Councilman DeSain voting aye
Councilman D'Amato voting aye
Councilman LaGasse voting aye
Councilman Paliotti voting aye
Supervisor Manktelow voting aye

Councilman LaGasse moved to approve payment of General vouchers #232 through #272 totaling \$22,388.35
And Highway fund vouchers # 136 through #150 totaling \$124,868.34

Motion seconded by Councilman D'Amato. Vote:

Councilman LaGasse voting aye
Councilman D'Amato voting aye
Councilman DeSain voting aye
Councilman Paliotti voting aye
Supervisor Manktelow voting aye

Supervisor Manktelow acknowledged receipt of a thank you note from the Lyons Peppermint Days Committee for the Town's donation to the festival.

Supervisor Manktelow explained the Town needs to adopt a resolution outlining the procedure when a law suit is filed against the Town. After discussion, Councilman D'Amato moved the following:

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State, designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lyons, County of Wayne, designates the Lyons Town Clerk, to receive notices of claims served upon the Secretary of State by mail at Lyons Town Hall, 43 Phelps Street, Lyons, NY 14489, and email at townofly@rochster.rr.com

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the Town.

Above resolution seconded by Councilman Paliotti. Vote:

Councilman D'Amato voting aye
Councilman Paliotti voting aye
Councilman DeSain voting aye
Councilman LaGasse voting aye
Supervisor Manktelow voting aye

Supervisor Manktelow then explained that the Town Board needs to pass a resolution supporting the County's application for Transportation Enhancement Program funding for continued construction of the Erie Canal Trail. Following a brief discussion Councilman LaGasse moved the following:

WHEREAS, the Wayne County Public Works Department has been authorized to submit an application for funding assistance to the Transportation Enhancement Program (TEP) for the completion of the Canal Trail Project from Lyons to Clyde; and

WHEREAS, the Trail design documents which are 95% completed, will be processed by the Wayne County Public Works department, working with the Wayne County Planning Department and also working with local municipalities, has identified a prospective project to be submitted; and

WHEREAS, this project will commence in the Village of Lyons and extend east through Lock Berlin Park and Black Brook Park to Old Route 31 in Galen. This project will not exceed \$500,000 in total cost with the value of the 20% local match (County of Wayne), is not to exceed \$100,000 with in-kind contributions and or current Wayne County Capital Plan Funding as required for completion, therefore, be it now

RESOLVED, that the Lyons Town Board supports this initiative to secure funding for the completion of the Canal Trail Project in our town.

Above seconded by Councilman D'Amato. Vote:

Councilman LaGasse voting aye
Councilman D'Amato voting ye
Councilman DeSain voting aye
Councilman Paliotti voting aye
Supervisor Manktelow voting aye

Supervisor Manktelow explained that no Town monies will be expended for the project.

Supervisor Manktelow explained that he had recently filled out a grant application to obtain 2 generators for Town buildings. It's part of the Hazardous Litigation Material Grant.

The Board then publicly thanked Michele Villani for her services as Town Attorney. Ms. Villani is taking another job in Rochester.

Mr. Rodney Lake addressed the Board and thanked the members for recognizing Ed Divelbliss. He questioned what the Board is going to do about replacing him. Mr. Lake believes the Town needs another full time highway employee. Supervisor Manktelow said as soon as the Town Board makes a decision, the public will know.

Ed Divelbliss then addressed the Board and the public in attendance. He talked about his reasons for retirement and said he appreciated and enjoyed working for the Town.

The Board then reviewed some changes being made to the Town Handbook with Ms. Villani.

At 8:05 p.m. Councilman D'Amato moved to go into executive session to discuss a pending Town appointment. Motion seconded by Councilman Paliotti. Vote:

Councilman D'Amato voting aye
Councilman Paliotti voting aye
Councilman DeSain voting aye
Councilman LaGasse voting aye
Supervisor Manktelow voting aye

At 8:55 p.m., Councilman Paliotti moved to come out of executive session. Motion seconded by Councilman LaGasse. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman DeSain voting aye
Councilman D'Amato voting aye
Supervisor Manktelow voting aye

Councilman Paliotti then moved to appoint Mr. Anthony Villani as Town Attorney, effective Aug. 1, 2013. Motion seconded by Supervisor Manktelow. Vote:

Councilman Paliotti voting aye
Supervisor Manktelow voting aye
Councilman DeSain voting aye
Councilman D'Amato voting aye
Councilman LaGasse voting aye

As there was no further business, the meeting was adjourned at 9:00 p.m.

