

November 30, 2022

The Town Board of the Town of Lyons met for a meeting on November 30, 2022 at 6:30 p.m. at the Town Hall.

Present: Jim Brady, Supervisor
John Paliotti, Councilman
Dan LaGasse, Councilman
Jerred Crandon, Councilman
Dan DeWolf, Councilman
Amy Shaffer, Town Clerk
Tim Moore, Highway Supt.

Absent: Anthony Villani (present via phone)

Also Present: Richard Bogan, Maureen Paliotti, Adam Bullock, Servy DeWind, Denise Clifford, Anthony Nicoletta, Frank Nicoletta, Jason McCormick, Jack McCrannels, Linda Guest, Christine Savage, Dan Compitello, Emily DeWind, Derrick DeWind

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 Crandon moved to accept the minutes of the October 26, 2022 and the November 15, 2022 meetings. Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman LaGasse moved to approve payment of General Fund vouchers #516 through #576 totaling \$93,078.91 and Highway Fund Vouchers #189 through #208 totaling \$38,665.01. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon, voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Jason McCormick, representative for Dunkin Donuts was present to review updated plans with the Town Board.

Linda Fisher was present to give her annual report to the Town Board. She requested to hang the veterans' banners back up in the Spring 2023. She indicated that there are 15 spots/locations that will be opening up for new banners. The board gave her the go ahead to have the banners put back up in the spring. Linda will coordinate with the Highway Superintendent.

At 6:45 pm, Councilman Paliotti moved to go into the public hearing for the Disinfection Improvements. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

As there were no questions or comments, at 6:50 pm Councilman DeWolf moved to close the public hearing. Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman DeWolf moved the following SEQR resolution declaring the Town Board as Lead Agency:

WHEREAS, the Town of Lyons Town Board (hereinafter referred to as “Town Board”), on September 28, 2022 declared its intent to be designated the Lead Agency for the Town of Lyons Wastewater Treatment Plant Disinfection Project (the “Action”) under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the Involved and Interested agencies; and

WHEREAS, the Town Board has not received any written objections from the Involved agencies to the Town Board’s designation as the Lead Agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to ensure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as the Lead Agency for the Action.

Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman LaGasse moved the following resolution of negative declaration:

WHEREAS, the Town of Lyons Town Board (hereinafter referred to as “Town Board”) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form (EAF) Parts 1, 2, and 3 including the supporting information on the Action prepared by the MRB Group; and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself Lead Agency under the SEQR Regulations for the purpose of making the determination of significance upon said Action, by a separate resolution at the November 30, 2022 Town Board meeting; and

WHEREAS, the Town Board has considered the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full EAF Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full EAF; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed to sign the Full EAF Part 3, the Negative Declaration, as evidence of the Town Board’s determination of environmental non-significance.

Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman Paliotti moved to accept the following resolution:

WHEREAS, § 202-b of the New York Town Law provides: Whenever it shall determine it to be in the public interest, after a public hearing as hereinafter provided, the town board may acquire or construct on behalf of a water, water storage and distribution, ambulance, sewer, sewage disposal or drainage district additional facilities therefor and appurtenances thereto, other than the construction of a lateral sewer, drain or water main authorized to be constructed pursuant to section one hundred ninety-nine, and including additional lands or interests in lands, or may improve or reconstruct existing facilities and appurtenances and

WHEREAS, § 202-b of the New York Town Law further provides: The town board shall cause a map and plan of the proposed improvement together with an estimate of the cost to be prepared by a competent engineer duly licensed by the state of New York, and

WHEREAS, § 202-b of the New York Town Law further provides: When the map and plan and estimate of cost has been completed, the town board shall call a public hearing thereon and cause a notice thereof to be published and posted in the manner prescribed in section one hundred ninety-three, and

WHEREAS, pursuant to § 202-b of the New York Town Law, the Town Board of the Town of Lyons has caused a map and plan of the proposed improvement together with an estimate of the cost to be prepared by a competent engineer duly licensed by the state of New York, a copy of which is annexed hereto, and

WHEREAS, said map and plan of proposed improvements recommended the following improvements:

DESCRIPTION OF PROPOSED IMPROVEMENTS:

The Town's current SPDES permit requires the Town to construct effluent disinfection facilities. Based on the compliance schedule in the SPDES permit, the Town is not in a position to delay the disinfection improvements for what could be several years before a long-term solution is implemented. Further, the influent screen, grit removal system, and final clarifiers require immediate attention in order for the WWTP to function properly within the current SPDES permit. Therefore, improvement and or replacement of these components should also be part of the short-term solution. The recommended short-term project (the "Project") includes:

1. Installation of a UV light radiation system for effluent disinfection.
2. Replacement of the grit removal system equipment located in the influent building.
3. Removal of the obsolete influent screen and grinder located in the influent building and replacement with a through-flow influent mechanical bar screen with a washer/compactor.
4. Rehabilitation of the two (2) final clarifiers and associated equipment, including replacement of the weir troughs, skirts, scum skimmer assembly and the sludge collectors and drives.

The improvements will be designed with the intention that the new grit removal system and influent screen would continue to be used as part of either long-term alternative.

Engineers Estimate of Cost:

The estimated cost of the disinfection improvements is \$4, 218,620

WHEREAS, by resolution dated October 26, 2022, the Town Board accepted such map, plan and report for WWTP disinfection and related improvements, and

WHEREAS, § 202-b of the New York Town Law provides: When the map and plan and estimate of cost has been completed, the Town Board shall call a public hearing thereon, and cause a notice thereof to be published and posted in the manner prescribed in section one hundred ninety-three. Such notice shall describe in general terms the proposed improvement or the location of the lands to be acquired, shall specify the estimated expense thereof and state the time when and place where the board will meet to hear all persons interested in the subject matter thereof.

WHEREAS, by resolution dated October 26, 2022, a public hearing was ordered with due notice thereof and a public hearing was held by the Town Board of the Town of Lyons on November 30, 2022, and

NOW THEREFORE BE IT RESOLVED, after due consideration, the Town Board of the Town of Lyons determines that it is in the public interest to acquire or construct the proposed improvement, the Town Board hereby directs the engineer to prepare definite plans and specifications, and to make a careful estimate of the expense, and, with the assistance of the town attorney or an attorney employed for that purpose, to prepare a proposed contract for the execution of the work at which time the Town Board shall examine such definite plans, specifications, estimate and the proposed contract, and may reject the same or make such modifications and changes therein as shall seem necessary and desirable, and adopt the same and cause the improvement to be constructed or acquired all in the same manner as hereinbefore provided for the construction of trunk sewers, drains and water systems.

Councilman DeWolf seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman LaGasse moved to accept the following bond resolution:

WHEREAS, the Town of Lyons Town Center Sewer District is a sewer district of the Town of Lyons, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on November 30, 2022 the Town has duly authorized Wastewater Treatment Plan Effluent Disinfection Improvements as additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on November 30, 2022, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LYONS, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Lyons shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Lyons Town Center Sewer District, to include construction of a new concrete tank on-site to provide ultraviolet (UV) disinfection of effluent from the Town’s wastewater treatment plant (WWTP), including a new access drive, pole barn protective canopy, and electrical and Supervisory Control and Data Acquisition (SCADA) integration, reconstruction and replacement in the two (2) final clarifies and the grit removal system, and replacement of the influent screen, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$4,218,620 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Lyons of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is

estimated to be \$4,218,620, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Lyons.

Section 7. The faith and credit of the Town of Lyons, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Lyons together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

At 6:55 pm, Councilman DeWolf moved to go into the public hearing for the pumping stations.

Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

As there were no questions or comments, at 6:60 pm Councilman LaGasse moved to close the public hearing. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman DeWolf moved the following SEQR resolution declaring the Town Board as Lead Agency:

WHEREAS, the Town of Lyons Town Board (hereinafter referred to as “Town Board”), on September 28, 2022 declared its intent to be designated the Lead Agency for the Town of Lyons Wastewater Pumping Station Rehabilitation Project (the “Action”) under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the Involved and Interested agencies; and

WHEREAS, the Town Board has not received any written objections from the Involved agencies to the Town Board’s designation as the Lead Agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to ensure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as the Lead Agency for the Action.

Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman LaGasse moved the following resolution of negative declaration:

WHEREAS, the Town of Lyons Town Board (hereinafter referred to as “Town Board”) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form (EAF) Parts 1, 2, and 3 including the supporting information on the Action prepared by the MRB Group; and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself Lead Agency under the SEQR Regulations for the purpose of making the determination of significance upon said Action, by a separate resolution at the November 30, 2022 Town Board meeting; and

WHEREAS, the Town Board has considered the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full EAF Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full EAF; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed to sign the Full EAF Part 3, the Negative Declaration, as evidence of the Town Board's determination of environmental non-significance.

Councilman DeWolf seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman Paliotti moved to accept the following resolution:

WHEREAS, § 202-b of the New York Town Law provides: Whenever it shall determine it to be in the public interest, after a public hearing as hereinafter provided, the town board may acquire or construct on behalf of a water, water storage and distribution, ambulance, sewer, sewage disposal or drainage district additional facilities therefor and appurtenances thereto, other than the construction of a lateral sewer, drain or water main authorized to be constructed pursuant to section one hundred ninety-nine, and including additional lands or interests in lands, or may improve or reconstruct existing facilities and appurtenances and

WHEREAS, § 202-b of the New York Town Law further provides: The town board shall cause a map and plan of the proposed improvement together with an estimate of the cost to be prepared by a competent engineer duly licensed by the state of New York, and

WHEREAS, § 202-b of the New York Town Law further provides: When the map and plan and estimate of cost has been completed, the town board shall call a public hearing thereon and cause a notice thereof to be published and posted in the manner prescribed in section one hundred ninety-three, and

WHEREAS, pursuant to § 202-b of the New York Town Law, the Town Board of the Town of Lyons has caused a map and plan of the proposed improvement together with an estimate of the cost to be prepared by a competent engineer duly licensed by the state of New York, a copy of which is annexed hereto, and

WHEREAS, said map and plan of proposed improvements recommended the following improvements:

Description of the Proposed Improvements:

LEACH RD, WATER ST EAST, WATER ST WEST, & LAYTON ST PUMP STATIONS

Complete electrical component replacement at each station, including new utility meters, disconnects, transfer switches, and pump control panels. The improvements at each station should also include a hydrostatic pressure transducer with redundant backup floats for the operation of the pumping equipment, which will help prevent sanitary sewage overflows in the event of transducer malfunction. Electric component work may include Supervisory Control and Data Acquisition ("SCADA") equipment at each station. The installation of SCADA equipment will allow communication with the radio receiver at the

WWTP, which will allow proper remote monitoring of the stations via smart phones for such operational conditions as pump failure, pump on, pump off, emergency alarm, wet well level, etc.

The Layton Street pump station currently operates on a single-phase electrical connection; the feasibility of a three-phase electric service should be evaluated as part of the Project.

Electrical improvements at the Leach Road pump station were completed in 2021. As such, improvements to the electrical components of the Leach Road station is not included in the Project.

Replacement of the discharge valve pits and all valves, check valves, discharge piping, pumps, and pump guide rails is recommended due to their deteriorated/worn-out condition. The wet wells appear to be in satisfactory structural condition, but require surface preparation and application of an epoxy coating, to prevent further corrosion. New wet well access hatches are also recommended at each station to replace existing hatches that are deteriorated or contain worn out hardware (hinges, locks, open struts, etc.).

FORGHAM ST, LAYTON ST/HERMAN BROTHERS, AND THE N. CANAL ST PUMP STATIONS

Due to the observed poor condition at the Forgham Street, Layton Street/Herman Brothers and North Canal Street pump stations, complete pump station and electrical component replacements, including new utility meters, disconnects, pump control panels, wet wells, pumps, and discharge valves are recommended. Due to relatively low flows, the plans recommend the installation of new duplex grinder pump units, such as the prepackaged duplex pump units that are manufactured by Environmental One Pumps (or an approved equal). These units are factory assembled as a complete integral unit containing two grinder pumps, a wet well, pump on/off/alarm floats, an inlet for the gravity lateral connection, an internal check valve, and a 1-1/4-inch discharge connection. The units operate using a small control panel (approximately 12" by 12" in size), which contains a built-in generator receptacle. Because the recommended grinder pump stations require only single-phase power, there is no need to upgrade the electrical services feeding these locations.

DUNN ROAD PUMP STATION IMPROVEMENTS:

Complete electrical component replacements, including new utility meter, disconnects, transfer switch, and pump control panel. The improvements may also include a hydrostatic pressure transducer with backup floats for operation of the pumping equipment and new SCADA equipment. Replacement of the valves, check valves, discharge and suction piping, and pumps, all of which are in poor condition. The building appears to be in satisfactory condition, but does require minor grout work at the CMU joints and painting. The wet well requires a new hatch. Due to the unusual configuration of this station, the hatch opening is positioned in a vertical configuration, and the opening is presently covered by a piece of plywood. The replacement hatch will need to be shop-fabricated to fit the hatch opening. The existing wet well interior has a bituminous coating on the inner steel wall, which should be cleaned and re-coated.

GENEVA ST, COLE RD, AND ROUTE 31 PUMP STATION IMPROVEMENTS:

Based on the condition assessments completed at the three (3) duplex suction lift wastewater pumping stations located at Geneva St, Cole Rd, and Route 31, partial rehabilitation of these stations has been recommended including electrical component replacements, new utility meters, disconnects, transfer switches, and pump control panels. The improvements at each station may also include a hydrostatic pressure transducer with backup floats for operation of the pumping equipment. Replacement of the SCADA equipment at each station. Rehabilitation work may also include new pumps/motors, and new level controls. In addition, due to the relatively heavy volume of sewage flows conveyed, permanently mounted generators for emergency operation have been recommended.

Estimated Cost of the Improvements:

The Total Estimated Project Cost is \$4,425,000.00.

WHEREAS, by resolution dated October 26, 2022, the Town Board accepted such map, plan and report for pumping improvements, and

WHEREAS, § 202-b of the New York Town Law provides: When the map and plan and estimate of cost has been completed, the Town Board shall call a public hearing thereon, and cause a notice thereof to be published and posted in the manner prescribed in section one hundred ninety-three. Such notice shall describe in general terms the proposed improvement or the location of the lands to be acquired, shall specify the estimated expense thereof and state the time when and place where the board will meet to hear all persons interested in the subject matter thereof.

WHEREAS, by resolution dated October 26, 2022, a public hearing was ordered with due notice thereof and a public hearing was held by the Town Board of the Town of Lyons on November 30, 2022, and

NOW THEREFORE BE IT RESOLVED, after due consideration, the Town Board of the Town of Lyons determines that it is in the public interest to acquire or construct the proposed improvement, the Town Board hereby directs the engineer to prepare definite plans and specifications, and to make a careful estimate of the expense, and, with the assistance of the town attorney or an attorney employed for that purpose, to prepare a proposed contract for the execution of the work at which time the Town Board shall examine such definite plans, specifications, estimate and the proposed contract, and may reject the same or make such modifications and changes therein as shall seem necessary and desirable, and adopt the same and cause the improvement to be constructed or acquired all in the same manner as hereinbefore provided for the construction of trunk sewers, drains and water systems.

Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman Crandon moved to accept the following bond resolution:

WHEREAS, the Town of Lyons Town Center Sewer District is a sewer district of the Town of Lyons, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on November 30, 2022 the Town has duly authorized a Wastewater Pumping Station Rehabilitation Project as additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on November 30, 2022, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LYONS, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Lyons shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Lyons Town Center Sewer District, to include, without limitation, reconstruction of eleven (11) Sanitary Sewage Pumping stations, including wet well reconstruction, new pumping equipment, control panels, replacement of discharge piping, valving, valve pits, suction piping replacement and Supervisory Control and Data Acquisition (“SCADA”) connectivity, acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$4,425,000 of the Town are

hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Lyons of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$4,425,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Lyons.

Section 7. The faith and credit of the Town of Lyons, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Lyons together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for

which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Dan Compitello of DRS (Delaware River Solar) asked the board to consider scheduling a public hearing for the solar farm project. He thanked the board for their time.

At 7:00 pm, Supervisor Brady moved to go into public hearing for Camp Karmalita Pup Camp. Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

After much discussion in relation to Camp Karmalita Pup Camp, Councilman DeWolf moved to leave the public hearing open until the next board meeting on December 28, 2022. Concerns and questions were raised in relation to noise ordinance, adequate fencing and commercial liability insurance. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

At 7:23 pm, Supervisor Brady moved to go into public hearing for Local Law #5 of 2022 to amend the zoning map of the Town of Lyons. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman DeWolf moved to leave the public hearing open until the next board meeting on December 28, 2022 allowing the board time to review Chapter 165 of the Town Code. Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman LaGasse moved to go into public hearing for Local Law #3 of 2022 to provide for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

At 7:35 pm, Councilman LaGasse moved to close the public hearing. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman DeWolf moved to enact Local Law #3 of 2022. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman LaGasse moved to go into public hearing for Local Law #4 of 2022 to regulate food truck and food trailer vendors. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman Paliotti moved to table this and to leave the public hearing open until the next board meeting on December 28, 2022. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman DeWolf moved to allow Supervisor Brady to sign the current agreement with MRB Group for the WWTP Disinfection Improvements. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Supervisor Brady moved to re-appoint Graham Weeks to the Board of Assessment Review. Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

Councilman LaGasse spoke in relation to a storm water retention pond that is located on Canalview Drive. It was determined that this is operated and maintained by Pathstone Property Management Corp. Code Enforcement Officer Bogan stated that he has a meeting scheduled with them on December 1, 2022 and he will bring this to their attention.

Councilman LaGasse indicated to the board that he would like to have property owned by the Town on Montezuma Street surveyed to indicate the property lines. This will be put on the December board meeting agenda.

Department reports were reviewed by the Town Board. Public inspection of said reports is available at the Town Hall upon request.

The Town Board would like to acknowledge and appreciate what volunteers have done this season. Mr. Bailey decorated the Town Park gazebo as he has for many years. He has had many volunteer hours over the years with this project. It looks amazing! This year's Shop Small/Shop Local on Saturday, November 26th was a huge success. Lyons Main Street Program (Kim Howell) coordinated with the volunteer firemen to put on an event in the park for children with Santa, make shift snow and hot chocolate! Let's not forget the beautiful fireworks display! The Ohmann Theatre provided free movie matinee as well for the community. The streets were full with many community members as well as out of town guests to shop in our little town. It was great to see! Shoutout to the Highway Department for getting the holiday decorations up in time for this.

The board would like to make note that the Water and Sewer Capital Charges will not be on tax payer's Town and County tax bills this coming year as intended. The Wayne County Water and Sewer Authority will continue to collect these Capital Charges for one more year. A special thank you to the WCWSA for their efforts.

At 8:13 pm Councilman DeWolf moved to adjourn the meeting. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye
Councilman LaGasse voting aye
Councilman Crandon voting aye
Councilman DeWolf voting aye
Supervisor Brady voting aye

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

Amy L. Shaffer

Lyons Town Clerk