

Jan. 28, 2021

The Town Board of the Town of Lyons met for a meeting on Jan. 28, 2021 at 6:30 p.m. at the Lyons Community Center

Present: Jake Emmel, Supervisor  
John Paliotti, Councilman  
Joanne Greco, Councilwoman  
Ralph D'Amato, Councilman  
James Brady, Councilman  
Sal Colatarci, Town Clerk  
Tim Moore, Highway Supt.

Also Present: Jim Wedman, John Wiltsie, Amy Shaffer, Richard Bogan, Todd Freeman, Rich Henry, Tom Gowan, Joan Wallis, Dave Doyle

Absent:

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 Paliotti moved to accept the minutes from both Dec. 30, 2020 and Jan. 6, 2021 meetings, as well as the Jan. 21, 2021 workshop. Motion seconded by Councilman D'Amato. Vote:

Councilman Paliotti voting aye  
Councilman D'Amato voting aye  
Councilwoman Greco voting aye (abstaining from Jan 21, 2021 vote)  
Councilman Brady voting aye  
Supervisor Emmel voting aye

Councilman D'Amato moved to approve payment of General Fund vouchers #1 through #52 totaling \$201,179.31.  
Motion seconded by Councilwoman Greco. Vote:

Councilman D'Amato voting aye  
Councilwoman Greco voting aye  
Councilman Brady voting aye  
Councilman Paliotti voting aye  
Supervisor Emmel voting aye

Councilman Brady moved to approve Highway Fund vouchers #1 through #15 totaling \$54,648.54.  
Motion seconded by Councilman Paliotti. Vote:

Councilman Brady voting aye  
Councilman Paliotti voting aye  
Councilman D'Amato voting aye  
Councilwoman Greco voting aye  
Supervisor Emmel voting aye

Mr. Tom Gowan then addressed the Board regarding a proposal to install a book exchange kiosk in the downtown park. He explained that this could very easily be a Boy Scout Eagle project. Similar kiosks are in many communities and are well received. He asked that he continue discussing the issue with a Board member or perhaps Highway Supt. Tim Moore to get this idea off the ground. The Board liked the idea and was receptive to more talks.

Planning Board member Joan Wallis then explained that she did not have a report to present regarding this month's Planning Board meeting but minutes are available and filed at the Town Clerk's Office.

Mr. Todd Freeman from Solar Farms then addressed the Board regarding his company's proposal for local residents to sign up with Solar Farms for a reduced cost on the current NYSEG electric bills. He explained that anyone signing up would receive a five percent reduction on their NYSEG bill, which may soon be going to ten percent as the State will be offering more incentives.

The Board then discussed a proposal from MRB Engineers for pump station assessments. The Town owns 11 pumping stations, most of which are antiquated and in marginal condition. MRB would review each station to make a determination of each one's condition. Total cost of the assessment would be \$24,800.00. At that point, the Town would have to decide what action it would take based on the findings.....

The Board then discussed an EPG Grant application presented to them by MRB for grant money for the wastewater treatment plant on Clyde Road. After a discussion, Councilman Brady moved the following resolution. Seconded by Councilman Paliotti:

Resolution of Support & Authorization for the Town of Lyons  
2020 New York State Consolidated Funding Application,  
Wastewater Infrastructure Engineering Planning Grant Application

WHEREAS, Town of Lyons (Town), Wayne County, supports the submission of a 2020 Consolidated Funding Application (CFA) on behalf of the Town, for the Wastewater Infrastructure Engineering Planning Grant (EPG) program to conduct a study of its sanitary sewer collection system with respect to Inflow and Infiltration (I&I), as a planning activity for upgrades to the sanitary sewer system; and

WHEREAS, the New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), provides a competitive statewide reimbursement grant program to assist in the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects through the EPG program; and

WHEREAS, planning activities for upgrading an existing wastewater system are identified as a funding priority under the EPG program; and

WHEREAS, the Town meets the EPG eligibility requirements and municipal median household income thresholds associated with the EPG program; and

WHEREAS, this planning activity falls under grant award Category 1, eligible for a maximum \$30,000 grant, with a required local match (Local Match) equal to 20% of the requested grant amount, consisting of cash and/or in kind services; and

WHEREAS, the \$30,000 grant will require a Local Match of \$6,000; and

WHEREAS, funding received will allow the Town to investigate I&I, identify potential solutions, and prepare an engineering planning report enabling the Town to seek further financing for construction through the CWSRF program to advance the required water quality improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board, on behalf of the Town, identifies the Town Supervisor as its authorized representative, able to execute necessary documents relative to and as required for the CFA; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize and obligate the Local Match hereby appropriated from the Town sewer fund; and

BE IT FURTHER RESOLVED, that the Town recognizes and fully supports the submission of the 2020 CFA for an EPG to conduct a study of its sanitary sewer collection system with respect to I&I.

Vote:

Councilwoman Greco voting  
Councilman Paliotti voting  
Councilman Brady voting  
Councilman D'Amato voting  
Supervisor Emmel voting

The above Resolution was duly adopted on January 28, 2021 by the Town of Lyons Town Board.

Councilman Brady then moved the following resolution as it pertains to a type 2 SEQR declarations and seconded by Councilman Paliotti:

WHEREAS, the Town of Lyons (Town) intends to submit a Consolidated Funding Application (CFA) for a Wastewater Infrastructure Planning Grant (EPG) to conduct a study of its sanitary sewer collection system with respect to Inflow and Infiltration (I&I); and

WHEREAS, funding received will allow the Town to investigate I&I, identify potential solutions, and prepare an engineering planning report.

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board does hereby classify the above referenced Action to be a Type II Action under 6 N.Y.C.R.R. Section 617.5 [c] [27] of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Town Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file for this Action.  
Vote:

Councilman Brady voting aye  
Councilman Paliotti voting aye  
Councilman D'Amato voting aye  
Councilwoman Greco voting aye  
Supervisor Emmel voting aye

The above Resolution was duly adopted on January 28, 2021 by the Town of Lyons Town Board.

Department reports were heard. Code Enforcement Officer Richard Bogan reported:  
Town Code Enforcement December 28, 2020, through January 26, 2021

Building Permits issued: ...6  
Building Permits Cleared, compliance issued....8

Violation/Order to Remedy issued: ...20  
Violations Cleared: .....32

Because of lack of access to court, I exercised authority under 120-30 G of the Code to contract Dave Burnham to haul rubbish at 5 locations. I have billed the violator plus administrative fees.

Other Permits 1 address assignment  
1 sump / inflow inspections  
Fire Safety Inspection 1

Appearance Tickets . 4 on-going cases postponed by no access to court  
Stop work and posting, request for County Court action

Zoning and Planning: no activity

Rubble removal is progressing at 42 Elmer Street  
Demolition has begun at 48 Broad St., a zombie house acquired by the Land Bank

Assessor Kayla Sturgill, in a written reported stated:

Total Property Transfers(Sales) in December-13  
5 Arms length usable for valuation purposes  
6 quit claim(between family members, owner changes etc)-not valuation usable  
1 Purchase from Wayne County Land Bank  
1 property merged together

The deadline for exemptions is March 1.

Reminder notices for outstanding Agricultural exemptions will be mailed at the beginning of February.

There were 6 requested apportionments (splitting the assessment of the parcel for tax purposes).

The current equalization rate (Eq Rate), what percentage NYS says we are assessing properties at is currently at 92% for 2020 Assessment Roll. I anticipate that number to decrease for the 2021 Assessment Roll. A town-wide reassessment would be needed to put the Eq Rate back (or closer) to 100%. This is up to the board. We were scheduled to do one this year, but pushed it back due to Covid. If anyone has other questions, please email me (lyonsnyassessor@gmail.com) and I will answer them.

The PILOT agreement for Midland Asphalt expired on 12/29/20. They will now be fully taxable on the 2021 assessment roll.

Director of Ambulance Operations John Wiltsie reported a total of 136 calls in Dec. 2020. 108 in Lyons, 7 in Clyde, 1 in Wolcott, 19 in Newark, and 1 in Silver Waters.

All narcotic were turned in to NWCH on Dec 31, 2020 and a letter was sent to the State Department of Health and Fingerlakes Regional EMS indicating the Town of Lyons Ambulance Department is no longer providing ALS service.

The County Board of Supervisors has approved another County Fly car to cover the Lyons/Newark area. 3 new EMT's and 2 drivers were recently hired to replace paramedics that resigned.

Highway Supt. Tim Moore reported 22 plow trips so far in the month of January. Also, Burrows Brothers has bored and installed the drain in front of the Fire House/ former American legion on Water Street. The upper portion of the drain still has to be finished up. The rest of the storm drain for the street is being built. Sign replacement continues around the Town. The new dump truck is on the road and registered.

Code Enforcement Officer Richard Bogan then addressed the Board concerning a violation matter at 8680 Ackerman Road. The owner of the property has demolished a portion of a home without a demolition permit and has begun rebuilding without a permit. Because of courts being closed due to the Covid pandemic, Mr. Bogan cannot bring the owner of the property to court. Town Attorney Villani explained that a simple resolution by the Board allowing him to take the matter to County Court would allow the matter to proceed. Councilman Brady moved to allow the issue to go to County Court. Motion seconded by Councilman Paliotti. Vote:

Councilman Brady voting aye  
Councilman Paliotti voting aye  
Councilman D'Amato voting aye  
Councilwoman Greco voting aye  
Supervisor Emmel voting aye

The Board then discussed the matter of mowing bids for the 2021 season. Bidding must be done for the two cemeteries (Elmwood and Rural) as the cost to mow exceeds the \$35,000.00 allowed by the State. Typically, the price to mow Town properties is under the limit and can be simply given to an interested contractor to do the job. After a discussion Councilman D'Amato moved to place an ad in the newspaper

requesting bids on the cemeteries mowing for 2021 and to request quotes for the Town-wide properties. Motion seconded by Councilman Paliotti. Vote:

Councilman D'Amato voting aye  
Councilman Paliotti voting aye  
Councilman Brady voting aye  
Councilwoman Greco voting aye  
Supervisor Emmel voting aye

Jim Wedman then addressed the Board regarding the possibility of a micro hydro electric plant in Lyons. He said he has been in discussions with the DEC regarding this. The State is looking for safe locations to build such a facility to generate electric for communities. He explained that such a plant could generate perhaps enough power to pay for streetlights in Lyons. Meanwhile Joan Wallis stated that there are grants available for funding canal projects and this might fit into that category for allowable funds.

At 7:30, Councilman Paliotti moved to go into executive session to discuss possible litigation, asking Code Enforcement Office Richard Bogan to remain. Motion seconded by Councilwoman Greco. Vote:

Councilman Paliotti voting aye  
Councilwoman Greco voting aye  
Councilman Brady voting aye  
Councilman D'Amato voting aye  
Supervisor Emmel voting aye

At 7:40 p.m., Richard Bogan was excused from the executive session.

At 8:00 p.m., Councilman D'Amato moved to come out of executive session. Motion seconded by Councilwoman Greco. Vote:

Councilman D'Amato voting aye  
Councilwoman Greco voting aye  
Councilman Brady voting aye  
Councilman Paliotti voting aye  
Supervisor Emmel voting aye

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

Sal J. Colatarci

Lyons Town Clerk