

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WAYNE  
54 Broad Street, Lyons NY 14489

INDEX #:

.....X

**ORDER TO SHOW CAUSE WHY AND ORDER SHOULD NOT BE GIVEN DECLARING VILLAGE OF LYONS IN VIOLATION OF GML17-A, COMPELLING VILLAGE TO COMPLETE STATUTORY DUTY, AND AWARDING COSTS TO PETITIONERS.**

.....

PETITIONERS – appearing Pro Se;  
**Jack Bailey, Andrew DeWolf, Stephen Corcoran, Stephen VanDuyne, John Murtari**

-against-

RESPONDENT;  
**Village of Lyons NY Board of Trustees**

UPON THE ANNEXED AFFIDAVIT ON BEHALF OF ABOVE NAMED RESPONDENTS, SWORN TO ON JUNE 28, 2013; AND UPON ALL OF THE PAPERS AND PROCEEDINGS HEREIN:

LET THE RESPONDENTS SHOW CAUSE AT A TERM OF THE SUPREME COURT OF WAYNE COUNTY, 54 BROAD STREET LYONS NY 14489 ON \_\_\_\_\_2013 at \_\_\_\_\_hrs, AS SOON THEREAFTER AS COUNSEL MAY BE HEARD, WHY AN ORDER SHOULD NOT BE MADE:

DECLARING VILLAGE OF LYONS IN VIOLATION OF GML17-A (DUTY TO PREPARE AND APPROVE A PROPOSED DISSOLUTION PLAN WITHIN 180 DAYS), COMPELLING VILLAGE TO APPROVE A PROPOSED DISSOLUTION PLAN WITHIN 2 WEEKS OR APPOINTMENT OF HEARING OFFICER TO COMPLETE PLAN, AWARDING REIMBURSEMENT OF PETITIONERS COSTS TO SEEK REMEDY.

SERVICE of a copy of this **ORDER TO SHOW CAUSE** and annexed AFFIDAVIT on the Village at 76 William St, Lyons NY 14489. By Personal Service by \_\_\_\_\_, 2013.

PROOF of such service to be filed with the clerk before the return date of this **ORDER TO SHOW CAUSE**.

Petitioners (**Pro SE**):  
Jack Bailey,  
Andrew DeWolf,  
Stephen Corcoran,  
Stephen VanDuyne,  
John Murtari.

Respondents:  
Village of Lyons NY Board of Trustees  
76 Williams St, Lyons NY 14489

DATED: \_\_\_\_\_

SO ORDERED: \_\_\_\_\_

SUPREME COURT JUDGE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WAYNE

Index #

.....X

In the matter of the Elector Initiated Dissolution of the Village of Lyons:

**Jack Bailey  
Andrew DeWolf  
Stephen Corcoran  
Stephen VanDuyne  
John Murtari**

**PETITION pursuant to GML 17-A  
and CPLR 7801-7806.**

PETITIONERS,

Assigned Justice:

For a Judgement Pursuant to Article 78  
of The Civil Practice Law and Rules,

-against-

**Village of Lyons Board of Trustees**

RESPONDENT

\_\_\_\_\_X

.....  
**PLEASE TAKE NOTICE** that Petitioners (Appearing PRO SE) dated June 28, 2013; together with attached exhibits, request an **Order to Show Cause** as to why the Village of Lyons should not be declared in violation of GML 17A Section 782, the COURT should not compel action as required in Section 786, and the court should not award cost reimbursement as allowed in Section 786 of GML 17-A.

Petitioners:      Jack Bailey                                  Andrew DeWolf                                  John Murtari  
                            35 High Street                                  7 Sisson Street                                  34 Franklin Street  
                            Lyons NY 14489                                  Lyons NY 14489                                  Lyons NY 14489  
  
                            Stephen Corcoran                                  Stephen VanDuyne  
                            209 Canal Street                                  36 Catherine Street  
                            Lyons NY 14489                                  Lyons NY 14489

.....  
Respondents: Village of Lyons Board of Trustees  
                            76 William Street  
                            Lyons NY 14489

.....  
DATED: June 28, 2013.

Petitioners, appearing PRO SE, along with Verified Petition allege as follows:

### **Jurisdiction, Venue and Parties:**

- 1). Petitioners appearing PRO SE, reside within the geographic limits of the borders of the Village of Lyons, County of Wayne, State of NY; are registered to vote in same, and all signed the original dissolution petition therefore they have standing to bring this action.
- 2). Respondent, Village of Lyons Board of Trustees, is the formal recognized government entity serving the municipality incorporated as the Village of Lyons.
- 3). This proceeding pursuant to Article 78 of the Civil Practice Law and Rules is the proper mechanism for seeking declaratory judgment, compelling action, and granting financial relief per General Municipal Law 17A Sections 773-790 and NY Civil Practice Law and Rules Sections 7800 -7804.
- 4). Petitioners have no other recourse than pursuing relief as allowed in CPLR 7804 and GML 17-A. Therefore, this court is the proper venue.

### **Summary of Relief Requested**

- 5). Petitioners seek declaration by the court that the Respondent failed to complete and approve a proposed dissolution plan, as required in “The New NY Government Reorganization and Citizen Empowerment Act” Article 17-A Section 782 within 180 days of December 27, 2012; and was **unable and unwilling** to comply in good faith. Petitioners are concerned that Village behavior and public statements, both past and recently, suggests that non-compliance with GML 17-A will continue without judicial intervention. Petitioners note that per our knowledge, a specific case such as this under GML 17-A has not been heard and is a compelling reason for judicial review.
- 6). Petitioners seek a declaration that the Respondent has failed to comply in good faith with GML 17A section 782 because though Respondent was aware of the vote in favor of dissolution November 6, 2012 (and received notification of the certification of the vote November 27, 2012), Respondent delayed

commencing a Dissolution Committee for the purpose of commencing preparation of a proposed dissolution plan until March 7 2013, 70 days after the formal 180 day deadline clock began. This intentional delay only served to handicap the ability of the Village Board appointed dissolution committee to complete their assigned duties within required timeframes and produce a comprehensive well researched proposed dissolution plan.

7) Petitioners seek an order under Section 786 of the law compelling the Village of Lyons to approve a proposed dissolution plan within two weeks of this order, or Petitioners request that the court appoint a Hearing Officer to complete a dissolution plan as described in Section 786 of the law. Delaying the approval and presentation of a proposed dissolution plan to hammer out specifics disregards the larger picture in that the town and potential fire district cannot be bound by the findings and recommendations of the dissolution plan, and will make their own determinations.

8). Petitioners seek an order of reimbursement of all costs to Petitioners incurred to pursue this proceeding, and for the village to bear all costs of any Judicial Hearing officer, as allowed under Section 786 of GML 17A.

9) If Respondents comply with the law and approve and present a proposed dissolution plan prior to this being judicially reviewed, Petitioners request that relief sections 5, 6, and 8 of this petition still be granted. Such declaration and order affirms statutory noncompliance, that the will of the majority of the voters was ignored without good cause, and the village must adhere to its duties as required under Article 17-A of GML once the process continues forward.

### **Background & Facts**

10). This proceeding arises as a result of Petitioners submitting an Elector Initiated Dissolution Petition under GML 17-A Section 779 and succeeding in a ballot initiative on November 6 2012 in which the board received notice November 27, 2012 of the certified results. **(Exhibit A – Statement of Wayne CO BOE and Original Petition)**

11). On September 25, 2012 the Village of Lyons held a public information session regarding village dissolution, which was presented by NYS Conference of Mayors Attorney Wade Beltrano. **(Exhibit B)**

Voters and Village Board present were educated about the requirements of the law, including the requirement that after certification of the vote, the board must meet within 30 days. Within 180 days of that meeting, the Village Board must prepare and approve a dissolution plan.

12). Village of Lyons belongs to NYS Conference of Mayors, whom Mayor Kleisle reported at the September 25 2012 informational meeting that speaker Wade Beltrano created the village guide for dissolution – MMS-Guide to GML17-A Consolidation and Dissolution of Local Government. Page 18 of this guide (obtained off of the public area of the NYCOM website), under commentary, states *“Officials should give 1<sup>st</sup> priority to developing a thorough understandable plan, rather than rushing the process merely to comply with the 180 day time period. Nevertheless, communities involved in the process should strive to complete the plan as quickly as possible. As long as village officials work diligently and in a good faith effort to complete the proposed dissolution plan, it is unlikely a judge will interfere in the process, an option which the act provides for and is discussed below.”* (**Exhibit C**)

13). On November 27, 2012; Wayne County Board of Elections certified the results of the vote and notified the village, creating a duty to meet within 30 days under Section 782 of GML 17-A. The Village of Lyons board convened December 3, 2012 for the yearly Organizational meeting, acknowledged receipt of the election results, and authorized the mayor to advertise for positions on the “Dissolution Committee” with a deadline of December 10, 2012 for Resumes to be submitted. (**Exhibit D**)

14.) The village board met December 27, 2012 effectively starting the clock on the 180 day time limit for approval of a proposed dissolution plan under Section 782 of GML 17-A. At that meeting, the Village Board appointed members to the “Dissolution Committee”, and authorized an “RFP” process to choose a consultant. The minutes from the December 27 2012 meeting note that the mayor will fill 3 remaining vacancies on the 2<sup>nd</sup> week of January 2013. We also note that the Village of Lyons waited the full 30 days as allowed by law to meet, and could have easily began the process sooner in an exhibit of good faith effort. (**Exhibit E**)

15). February 12, 2013 Village Board meeting, (47 days into the 180 day requirement for completing a dissolution plan), the village finishes the final 3 appointments to “Dissolution Committee” and chooses the consultant to MRB Group. (**Exhibit F**)

16). February 26, 2012 Village Board Meeting (61 days into 180 day requirement), Village Board holds a meeting to introduce the “Dissolution Committee” and the Consultant MRB. No business towards

completing a dissolution plan is commenced at this meeting. The Mayor acknowledges that the plan must be completed within 180 days commencing December 27, 2012. Citizen Mark Decracker will be videotaping all dissolution meetings. **(Exhibit G)**

17) March 7, 2013 - Date of first meeting of the Village of Lyons "Dissolution Committee." (70 days into 180 day requirement). Public notified that a website and formal minutes are at [www.lyonsdissolution.org](http://www.lyonsdissolution.org) . Mayor Corrine Kleisle setting the tone and priorities of the dissolution committee: Mayor Kleisle stated "*But expediency isn't the group's top priority... It's imperative that a plan be a quality product and not compromised due to the time constraints.*" **(Exhibit L – Wayne Post Article)**

18). April 11, 2013 Village "Dissolution Committee" meeting: Committee Chair, Consultant, and Mayor discuss Wade Beltrano's September 25, 2012 presentation and reference his statements that the 180 day deadline is only a goal, not an absolute, and that a judge would probably grant leniency to the process. The committee reports on the record that they see their deadline as June 27, 2013. **(Exhibit H)** Minutes 02:30 to 08:40 of the April 11, 2013 part II video.

19). June 6, 2013 Dissolution Meeting: **(Exhibit I)** Minutes 25:37 – 26:57. Question asked "When is the deadline. Chair reports there is no deadline, only a goal which is June 28<sup>th</sup>." Mayor and consultant are present and do not correct this misinformation. Chair reports they will not meet the "goal" deadline. Chair notes there will be no meeting next week.

20). June 13, 2013 Dissolution Committee meeting: The committee chair informs the board and public that they anticipate completing the proposed dissolution plan sometime in late July or early August. There is disagreement over public safety and there will be delays once this is turned over to the consultants. Per the dissolution committee website maintained by MRB Group, the village is only half way through their created process timeline as of this meeting. **(Exhibit J)**

21). June 23, 2013 Dissolution Committee Official Website @ <http://www.lyonsdissolution.org/> discussing that the plan will be late, the committee chairman considers the statutory deadline an arbitrary date, and that it's possible a draft will not be available to present to the Lyons Village Board until August 1, 2012: "*When asked about the likely date of completion of the Dissolution Plan, Committee Chair Sergei Bartishevich indicated that it is unlikely the June 27 deadline can be achieved. He called it a "target date," but stated that he believed the need for thoroughness and completeness of the plan outweighed an arbitrary deadline.*" *While State Statute clearly defines a 180-day period for "approval" of a dissolution plan initiated by a public referendum, the same statute also provides a strict schedule of public notifications and opportunities for public input*

*throughout the process of its creation. The committee reviewed a calendar and established that, given completion of a draft by August, it would still require several public notices, meetings, and required hearings to satisfy the law. Bartishevich stated that it would be premature to discuss a final date.”* This update from MRB Group’s Official Dissolution Committee Webpage further illustrates that Respondents do not plan to finish discharging statutory duty until late August, 6-8 weeks past the required deadline date. It further shows that **if** the Village of Lyons Board had started working in good faith on a proposed dissolution plan immediately upon learning the results of the vote, they may have been able to complete the process within the required timelines. Further, the updated process update shows the committee is still only half way through the process set by the Village Board and MRB Group consultants for creating and approving a proposed dissolution plan. **(Exhibit K)**

21). June 25, 2013: The actual statutory 180 deadline passed and the Village of Lyons failed to comply with GML 17-A duty to complete and approve a dissolution plan. Deadline began December 27, 2012 (which was at the 30 day limit of the formal certification of the vote) and ended June 25, 2013 (which is by direct count 180 days counting December 27, 2012).

22). June 27 “deadline”, initially given by the Dissolution Committee, the Village of Lyons, and MRB Group as their estimated 6 month deadline, has passed without a proposed plan. This plan is a PROPOSED plan that still will require public input, may lead to a vote, and ultimately will fall to the Town of Lyons and any created fire district to follow as they see fit. Failure to complete this plan within timely limits unnecessarily delays a voter initiated and approved process. Further, failing to complete the PROPOSED dissolution plan will negatively impact Town of Lyons and Village of Lyons budgetary planning processes, future capital projects to fix infrastructure, clearly violates the spirit of the Elector Initiated Dissolution Law, and ignores the will of the majority of the voters within the village of Lyons. It further negatively impacts the employees of both government entities and their ability to plan for change, continues to maintain high taxing burdens, and directly harms the will of the majority of voters affirmed via ballot.

### **Basis for Relief**

23). The Village of Lyons is by Legislative Statute legally bound to complete and approve a proposed dissolution plan within 180 days of the December 27, 2012 village board meeting. They have failed in that duty. Reference GML 17-A Section 782.

24). The GML 17-A law Section 786 authorizes any five (5) Electors who signed the petition to commence a special proceeding to compel compliance, and to determine if the Village acted “in good faith” or were “unwilling and unable” to complete the proposed dissolution plan. Based upon the public record that the village was aware of their duty since at least September 25, 2012; AND the Village waited 70 days out of 180 days before beginning work on a proposed dissolution plan; AND the taped public discussion of both the 4/1/2013 and 6/6/2013 Dissolution Committee meetings, stating that this was a goal not a requirement, and noting a belief that a judge would grant leniency for failing to obey the law; the Petitioners are within their rights to request the court to declare that the village failed to act in good faith to complete their duties, and showed they were unwilling to complete the statutory duties within the required 180 days.

### **AS AND FOR CAUSES OF ACTION REQUESTED**

**The failure of the Village of Lyons Board of Trustees to prepare and adopt a proposed dissolution plan is an intentional failure to discharge a statutory duty showing they were unable and unwilling to complete statutory duty within required time frames and that they did not act in good faith to meet the required deadlines. Further, the consultant the board chose to implement the process had already been on public record via the media as hostile to dissolution, was actively involved in the RFP requirement selection process prior to a consultant being chosen, and calling into question the entire process and motivation to show good faith effort to discharge contractual duties due financial and ethical conflicts of interest.**

25). Petitioners re-allege paragraphs 1 through 24 as fully set forth here-in, and further allege:

26). The Respondents were fully aware of the legal requirements and their duties under the law as of at least the September 25, 2012 Informational Hearing held by NYCOM General Counsel Wade Beltrano on the Village of Lyons behalf. The respondents had access to a retained village attorney as well as NYCOM General Counsel Wade Beltrano, who the mayor reports “He’s the expert on dissolution.” While having full access to expert legal advice on dissolution, the Lyons Village Board failed to discharge statutory duties under GML 17-A.

27). On September 25, 2012 the Mayor of Lyons referenced the village handbook they were using for guidance during the dissolution proceedings, and noted Wade Beltrano was the author of it. This matters



to this case because legal commentary in the handbook notes that “*Officials should give 1<sup>st</sup> priority to developing a thorough understandable plan, rather than rushing the process merely to comply with the 180 day time period. Nevertheless, communities involved in the process should strive to complete the plan as quickly as possible. As long as village officials work diligently and in a good faith effort to complete the proposed dissolution plan, it is unlikely a judge will interfere in the process, an option which the act provides for and is discussed below.*” (**Exhibit C**). As previously established in the factual record, the legal opinion was quoted many times during the last 9 months, creating and later illustrating an official belief that the statutory deadlines were not mandatory because a judge would grant leniency to the process. The legal opinion supposing foreknowledge of Judiciary Action further shows along with cumulative evidence that a good faith effort to meet the deadlines in an expeditious manner was not given because legal counsel advised and village officials repeatedly asserted that judicial leniency would be granted and any challenges would be a moot point.

28). Respondents were quoted in the public record as early as August 2012 and continuing through and after the November 6, 2012 dissolution vote, as being hostile to dissolution. (**Exhibit L**) The Lyons Village Board Trustees and Mayor actively campaigned against dissolution in public and in the media prior to the November vote for dissolution. Via public statements and media interviews, Mayor Corrine Kleisle and many members of the Village Board of Trustees showed hostile opposition to dissolution, frustration with results of the vote, and a motivation to delaying further implementation of Article 17-A duties.

29). The consultant chosen by the Lyons Village Board to guide them through the dissolution process is not without potential financial conflicts of interests, compared to the competitor Center for Governmental Research, and was actively engaged in the terms of the “RFP” process. (**Exhibit M**) Being that our FOIL request only captured part of the behind the scenes communications between MRB Group and the Village, this calls into question the integrity of the selection process and shows a bias towards MRB as the contractor due to previous financial ties and questionably close assistance during and after the dissolution vote and throughout the RFP process selection.

30). Further, it is well established in the Village of Lyons financial reports that MRB Group has been the contractor and consultant of choice for the Village of Lyons and stands to lose tens of thousands of dollars in yearly village business. We assert that this is a financial motivation for MRB to see dissolution of the Village of Lyons fail as they might not be reselected as the Town of Lyons consultant/contractor.

31). Further, the “Dissolution Consultants” **MRB Group – Strategic Municipal Initiatives** Diana Smith and Connie Soward further revealed open public opposition to dissolution, and via email communications after the November vote revealed strong empathy against the results of the vote. (**Exhibit N**) This open public hostility to dissolution further calls into question the objectivity of MRB Group in faithfully advocating the statutory requirements of the law and correcting inaccuracies when they occurred with regards to statutory deadlines and official village positions. Further, per Mayor Kleisle at the February 26 Village of Lyons Board meeting, MRB further refined the process, outlined originally by NYCOM Wade Beltrano, and provided guidance to the Board of Trustees and to the Dissolution Committee. MRB also directly maintained the official Lyons Village Dissolution webpage at [www.lyonsdissolution.org](http://www.lyonsdissolution.org) .

32). Further, MRB Consultant Diana Smith was the former Mayor of Seneca Falls and publically opposed to dissolution in her village. Diana Smith was also a former Executive Committee member of the NYS Conference of Mayors which officially opposed the Government Reorganization Act. (**Exhibit O**) This calls into question the existence of conflicts of interest in objectively consulting for the Village of Lyons during the dissolution process and promoting a good faith effort to encourage the Village of Lyons to complete the process in an expeditious manner as required by law.

33). Further, the “Dissolution Consultants” Diana Smith made public statements to the media showing predisposition against dissolution and motivation for a lack of good faith effort to complete the entire Article 17-A process in an expeditious manner. (**Exhibit P**). Quoting consultant Diana Smith: “I call dissolution in our village the toughest thing to ever derail the community,” said Mayor Diana M. Smith, an opponent of dissolution. “Really, from the time that discussions began to now, we very often refer to it as the runaway train. From time to time, we feel it ran over us.”

34). In regards to presenting a good faith effort to discharge statutory duties, The Village of Lyons did not have to wait until December 27, 2012 to begin the dissolution process and appoint committee members. We re-assert that the vote certification occurred November 27, 2012 and that the Village Board waited the full 30 days allowed by law to meet and officially begin the process of creating and approving a proposed dissolution plan. The December 3<sup>rd</sup> minutes note that the Village Board was accepting applications for a dissolution committee with a return deadline of December 10th. Instead of timely seating a dissolution committee and expeditiously starting the process at both the December 3 and December 27, 2012 meetings, the Village of Lyons Board waited until March 7, 2103 to actively engage and start the dissolution committee process as dictated by the village board. This 70 day delay effectively handicapped the Dissolution Committee from completing their duties within the 180 day deadline.

35). Per Wayne Post article covering the March 7, 2013 Dissolution Committee meeting, it was Mayor Corrine Kleisle who selected the final nine members of the dissolution committee herself after receiving over 20 applications. **(Exhibit L – Wayne Post Article)** Per established Village Board minutes and media articles, the Village Board waited from December 10, 2012 until February 12, 2013 to complete the appointments to the “Dissolution Committee.” This was a 47 day delay from the December 27, 2012 statutory deadline start and is not explained in any village minutes as to why the delay. Having established Mayor Kleisle was opposed to dissolution and opposed to a statutory deadline, we assert that Mayor Corrine Kleisle led the delays in appointing a dissolution committee, thus leading to delays in the Lyons Village Board of Trustees approving the appointments.

36). On at least two (2) occasions, April 11 2013 and June 6 2013, Mayor Kleisle and the consultant failed to correct the statements of the Dissolution Committee Chairman that there was NOT a statutory deadline and instead the committee only had a “goal” to complete their work within 180 days. **(Exhibits H & I)** Further, MRB’s Official Dissolution Committee Webpage classifies the statutory deadline as “arbitrary.” **(Exhibit K)** This repetitive intentional failure to correct open misinformation in a public forum further shows evidence of both Village Officials and the Consultant intent to circumvent and ignore the statutory deadlines using the premise that the deadline is “arbitrary” and the Respondents did not have enough time to complete the process, and as such raises ethical questions for public official misconduct in fulfilling statutory duties and advocating adherence to the law.

37). The cumulative evidence in the media and public records for the Mayor, members of the Lyons Village Board of Trustees, and the chosen Dissolution Consultants shows an open hostility towards both the results of the vote, dissolution itself, and illustrates a unified belief that strict adherence to the GML 17-A was unnecessary because “judicial discretion” would grant leeway for any deviations. This theme was repeated many times in many variations, and does not support any assertions that the Village Board/Mayor/Consultant acted in good faith to discharge their statutory duties. Instead, the cumulative evidence shows that the Village Board repeatedly was unwilling and unable to discharge their statutory duties and did not put forth a good faith effort towards doing so.

38). Further, the cumulative evidence of board actions, public and ‘private’ email communications, as well as media statements combine to support Petitioners request for judicial intervention to grant the requested relief because the Village Board of Trustees and Mayor are knowingly and willfully UNABLE and UNWILLING to perform their statutory duties. Further, the email communications captured via FOIL requests and FOIL appeals only show what we believe was a small portion of ex-parte

communications between the Respondents and MRB. We assert that even this small sample clearly illustrates the totality of evidence in support of our allegations.

**PLEASE TAKE FURTHER NOTICE** that pursuant to CPLR 7804, answering papers must be served at least five (5) days before the return date here-in.

Dated: June 28, 2013  
Wayne County NY

Appearing **PRO SE**:

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Jack Bailey  
35 High Street  
Lyons NY 14489

Andrew DeWolf  
7 Sisson Street  
Lyons NY 14489

John Murtari  
34 Franklin Street  
Lyons NY 14489

Stephen Corcoran  
209 Canal Street  
Lyons NY 14489

Stephen VanDuyne  
36 Catherine Street  
Lyons NY 14489

SUPREME COURT JUDGE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WAYNE

Index #

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**Verification - Affidavit**

Each of the following states, deposes, and affirms that:

- 1). I am a resident and registered voter in the Village of Lyons who signed the original Elector Initiated Dissolution petition.
- 2). I have read the foregoing petition and know the contents thereof, and the same are true to my knowledge except as to matters stated to be alleged upon information and belief, and as to those matters I believe them to be true.

PETITIONERS

**Jack Bailey:** \_\_\_\_\_

**Andrew DeWolf:** \_\_\_\_\_

**Stephen Corcoran:** \_\_\_\_\_

**Stephen VanDuyne:** \_\_\_\_\_

**John Murtari:** \_\_\_\_\_

Sworn to this 28<sup>th</sup> day of June, 2013

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**Notary Public**

# Exhibits for the Court

Index #

**Attached are Exhibits labeled “A through “P” in support of Facts and Allegations believed to be true by Petitions, and sworn to in attached affidavit.**

**Source of documents is referenced with each exhibit, and all are immediately searchable and referenceable unless otherwise noted and reason for noted.**

## **Exhibit A –**

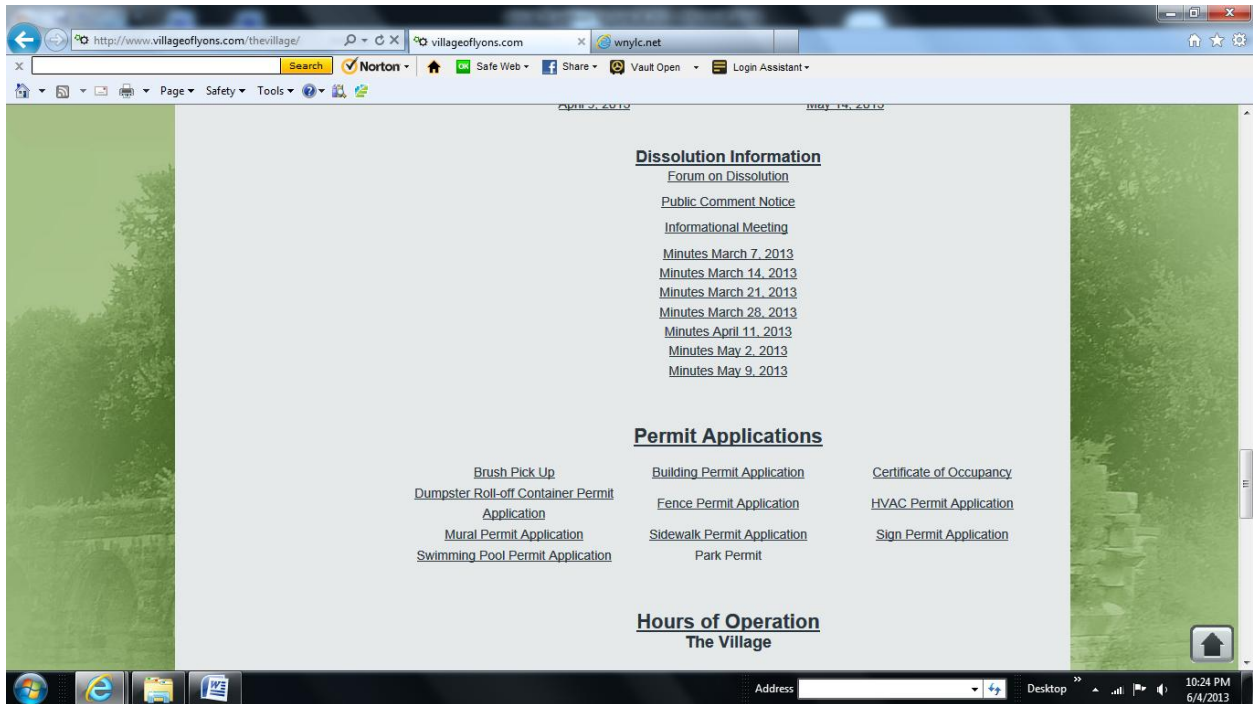
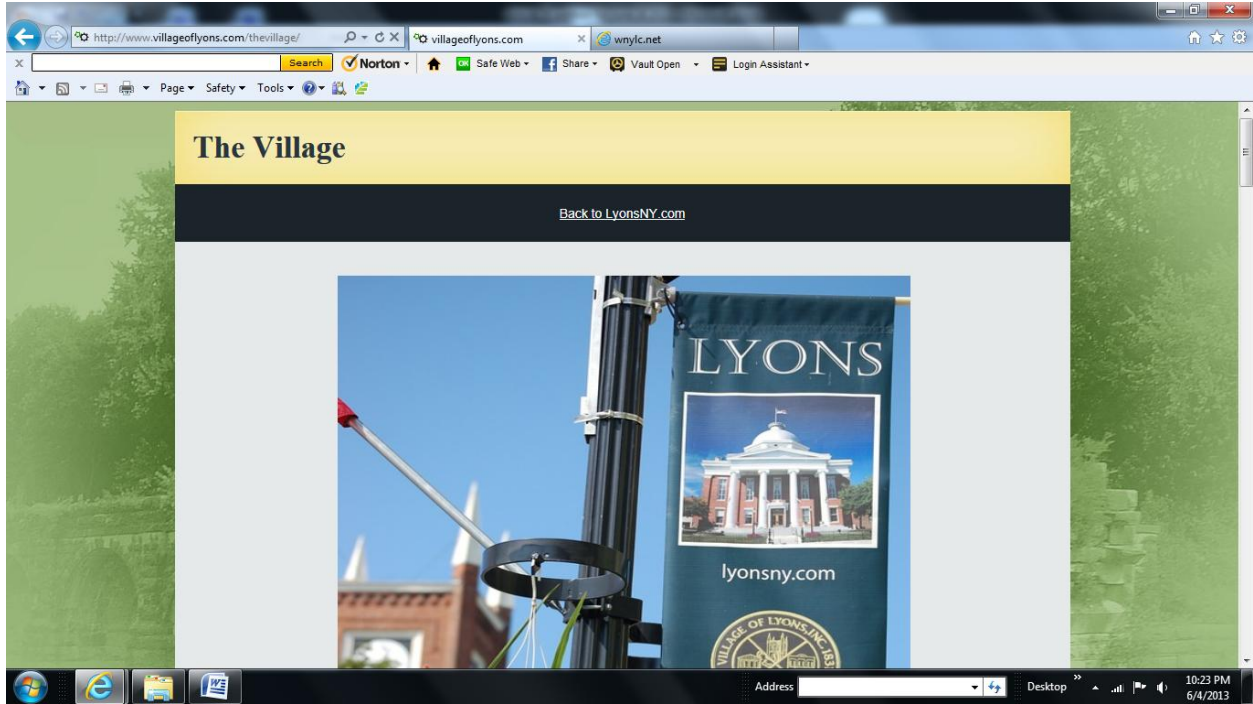
**1)Copy of the original petition submitted to the Village of Lyons and noted they received August 2, 2012. <See next page for petition>**

**2)Copy of the Statement of the Wayne County Board of Elections dated November 27, 2012.**

**Reason for this exhibit is to show proof petitioners have standing to pursue as all are present in the original petition and that the Village of Lyons had adequate notice of the results of the election and adequate time to begin preparing and approving a proposed dissolution plan as required by law.**

# Exhibit B

Print Screen of Village Website 6/4/2013-Establishing website existence and postings, establishing the source of the village minutes quoted and presented, and establishing the meeting dates referenced.



[http://www.villageoflyons.com/thevillage/images/9-25-12\\_minutes.pdf](http://www.villageoflyons.com/thevillage/images/9-25-12_minutes.pdf)

A PUBLIC INFORMATIONAL MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY, SEPTEMBER 25, 2012, AT 6:30 P.M. AT THE LYONS COMMUNITY CENTER, MANHATTAN STREET, NEW YORK.

PRESENT: Corrine Kleisle, Mayor

Dennis Alvaro, Deputy Mayor

Richard Evangelist, Joanne Greco, Terry VanStean, Trustees

Denise Darcangelis, Clerk-Treasurer

Karen DeSain, Deputy Clerk-Treasurer

Michael Salerno, General Working Foreman

Police Chief Richard Bogan

Arthur Williams, Village Attorney

This meeting was duly noticed to Lakeshore News, Wayne Times, Shopping Guide, and the Finger Lakes Times with the public notice posted on the Village Official Bulletin Board and the Village website.

Mayor Kleisle welcomed everyone present and all stood for the pledge to the flag.

The Village of Lyons hosted a public informational meeting to inform the public of the regulations within the "New N.Y. Government Reorganization and Citizen Empowerment Act."

Wade Beltrano, General Council with the New York Conference of Mayors, gave a presentation on the impacts of Dissolution on Villages. The following topics were covered: Debt, Liabilities and Obligations, Courts, Employees, including union contracts, benefits, and existing Village Laws. The public was given the opportunity to ask questions regarding this process.

Filmed record of the meeting is on file at the Village Clerk's Office.

The public informational meeting adjourned at 8:15 P.M.

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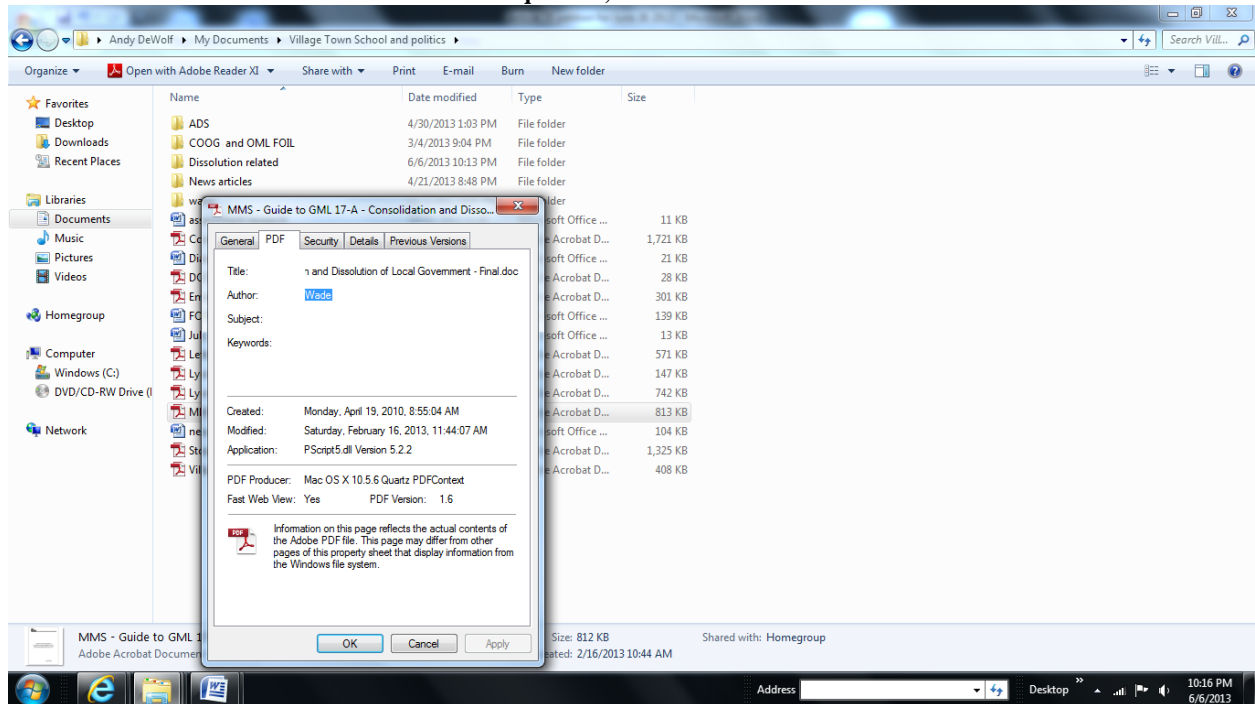
Denise Darcangelis, Clerk Treasurer

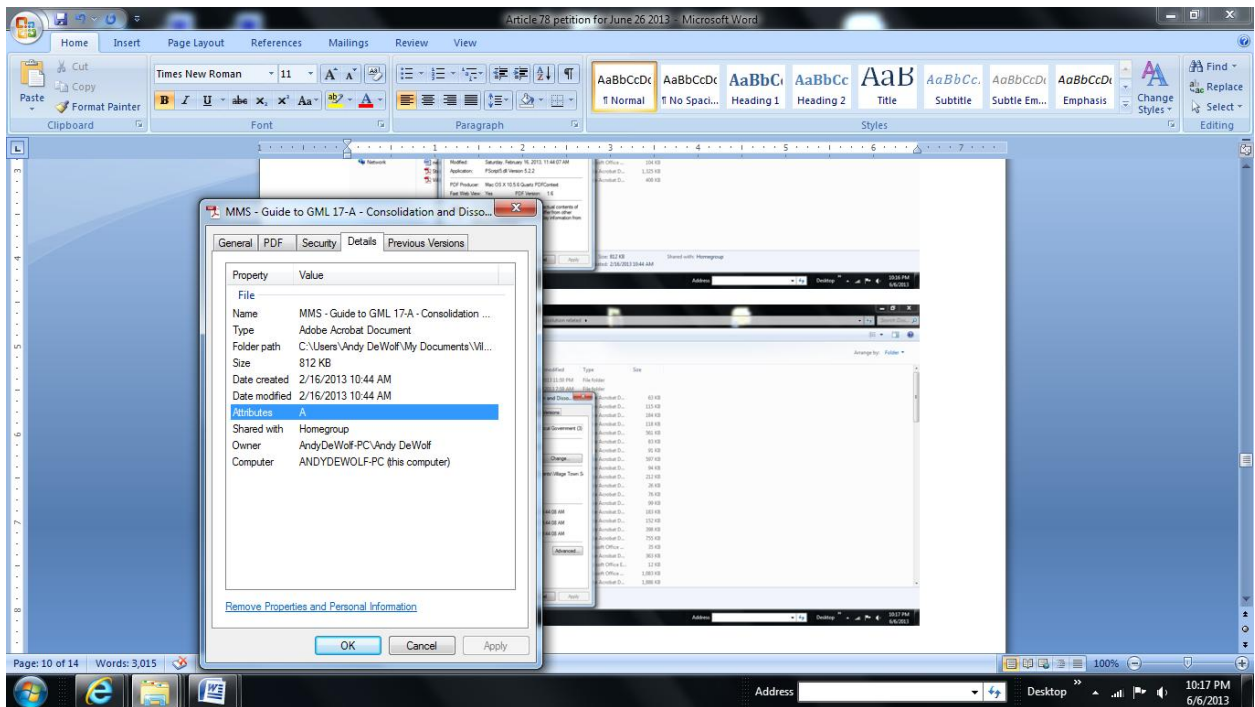
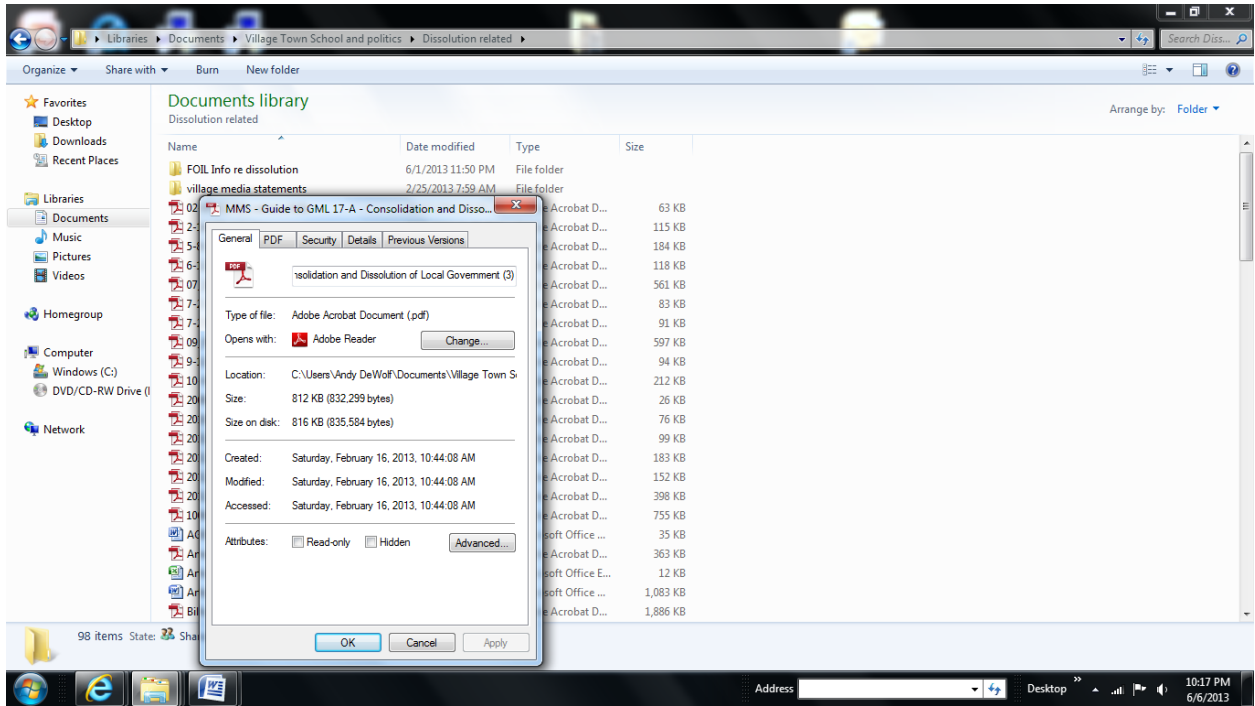


## Exhibit C

“MMS-Guide to GML 17A Consolidation and Dissolution of Local Governments” (Downloaded and saved from [www.nycom.org](http://www.nycom.org) on 2/16/2013 at 1013hrs. The print screens show when this was downloaded to Andrew DeWolf home computer, the document creator and source, and any modifications made to the document.) This document is the Village Handbook referenced at the 9/25/2012 meeting created by Wade Beltrano Esquire, who has assisted the village with legal advice and counsel during the process and was reported by Mayor Kleisle to be the “expert” on dissolution.

<Note, upon return to the NYCOM site, the site has since been changed and this is now only available to members of NYCOM for download and reference. On date in question, this was in Public area and downloadable.>





<Copy of NYCOM Village Guide to be printed and added between this page and next exhibit>

# Exhibit D

## Village 12-3-2012 Minutes

[http://www.villageoflyons.com/thevillage/images/organizational\\_meeting\\_123.pdf](http://www.villageoflyons.com/thevillage/images/organizational_meeting_123.pdf)

ORGANIZATIONAL MEETING HELD ON MONDAY, DECEMBER 3, 2012, AT 6:00 P.M. AT THE VILLAGE HALL, 76 WILLIAM STREET, LYONS NEW YORK.

PRESENT: Corrine Kleisle, Mayor

Dennis Alvaro, Deputy Mayor

Richard Evangelist, Joanne Greco, Trustees

Denise Darcangelis, Clerk-Treasurer

Michael Salerno, Working Foreman

ABSENT: Arthur Williams, Village Attorney

Also in attendance Angie Cinelli, John Cinelli, Steve Corcoran, Ron DeCracker, Andrew DeWolf, Pete Mastracy

All present rose to pledge the flag.

RESOLUTION offered by Mr. Evangelist, second by Mr. Alvaro

RESOLVED that the letter of resignation from Terry VanStean for the position of Trustee be accepted effective November 29, 2012.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

Mayor Kleisle read a letter from Andrew DeWolf, requesting the time of the Village Board meetings to be changed from 6:00 P.M. to 7:00 P.M. to allow citizens attend Village Board meetings without having to rush to complete evening meals.

A discussion took place. Trustee Evangelist stated no to the time change, Trustee Alvaro stated no to the time change and Trustee Greco stated 7 P.M. is too late to start meetings when there are times our meetings last until 10:00 P.M. Mayor Kleisle stated they would make that motion during the Organizational Meeting.

Due to the uncertain future of the Lyons Police Department and a staffing shortage within the Lyons Police Department, Chief Bogan requested a temporary three month appointment of Police Officer Joshua Weddell to full time Patrolman effective December 3, 2012.

RESOLUTION offered by Mr. Evangelist, second by Mr. Alvaro

RESOLVED that authorization is granted for Mayor Kleisle to appoint Police Officer Joshua Weddell to a temporary three month appointed to full time Patrolman effective December 3, 2012.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

Mayor Kleisle read a letter of thanks from the Lyons Main Street Program for support of their October festival and a special thanks to Mike Salerno and the Village of Lyons Department of Public Works along with Chief Bogan and the Lyons Police Department for their assistance with PumpkinPalooza.

Mayor Kleisle read a letter of appreciation from Michael Pangallo, Assistant Superintendent for Business and Administration Services Lyons School District, for the help Michael Salerno gave the elementary school with assisting with a pipe leak.

Mr. Salerno volunteered his services after hours to work with them. His support with this was appreciated by all.

Mayor Kleisle read a letter from the Village Attorney, Arthur Williams, requesting to be re-appointed as the Village Attorney in the upcoming year. She noted this appointment will take place at the Organizational meeting.

Mayor Kleisle called the Organizational Meeting to order. Mayor Kleisle made the following appointments:

Mayor Corrine Kleisle

Budget Officer, DPW, Water and Sewer Depts.

Personnel Officer

Village Spokesperson

Justice Department

Village Office

Negotiations

Local Laws/public hearing

Trustee Dennis Alvaro:

Deputy Mayor

Joint Facility

Building: Structural Repairs- (all facilities)

Vacancy:

Strategic Plan Coordinator (sign committee)

Chamber of Commerce Representative

Economic Development Liaison

Community and Business (Rotary, Lyons Comm. Center)

Port of Lyons Representative

Trustee Richard Evangelist

Police Department

Code Enforcement Officer

Planning Board/Zoning Board

Joint Village, Town, School Shared Services Committee

Negotiations

Trustee Joanne Greco:

Fire Department

Parks

Trees

Celebrations

Peppermint Days Committee

Purchasing & Insurance: Village Board and Clerk-Treasurer

Insurance Administrator-Clerk-Treasurer

Finance Committee: Village Board and Clerk-Treasurer

Licenses & Printing: Mayor and Clerk-Treasurer

Negotiating Committee: Mayor Kleisle, Trustee Evangelist

Recodification: Village Board/Mayor

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the appointments made by Mayor Kleisle be approved.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Dennis

RESOLVED that the Clerk-Treasurer be and is hereby appointed Tax Collector, Collector of Water and Sewer Rents, Service Connections charges and misc. fees and charges which shall be due and owing the Village of Lyons, always accepting fees and charges legally collectable by other Village Officers and Departments.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the Deputy Clerk be authorized to make extension to the Village Tax Roll.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the Village Board authorize the use, as a minimum, of the following commercial banks or trust companies (not saving banks or associations) located and authorized to do business in New York State for placing investment firms (GML II, Local Finance Law 165.00): Lyons National Bank, Key Bank of New York and J.P. Morgan Chase and any other commercial banks or trust companies meeting the above requirements when bidding conditions warrant and

BE IT FURTHER RESOLVED that the Clerk-Treasurer is hereby delegated authority to make day-to-day investment decisions within the guidelines and limitations of policy adopted by the Village of Lyons on February 24, 1998.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the Lake Shore News, the Finger Lakes Times and the Times of Wayne County be designated as the official newspapers for the Village of Lyons for the ensuing year.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the Board of Trustees for the Village of Lyons has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village of Lyons who use their personal automobile while performing their official duties on behalf of the Village: that the Board of Trustees shall approve reimbursement to such officers and employees at the Federal rate should the Federal rate adjust, we will adjust to the Federal rate.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that in the absence or inability of the Treasurer or Deputy Treasurer to sign checks issued by the Village of Lyons, the Mayor is hereby authorized to sign checks as authorized by the Board of Trustees and

BE IT FURTHER RESOLVED that in the absence or inability of the Treasurer or Deputy Treasurer, the Mayor is hereby authorized to sign withdrawal statements from Open Time Accounts of the Village of Lyons for the purpose of transferring funds to checking accounts for payment of audits.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Evangelist, second by Mr. Alvaro

RESOLVED that the regular patrolman of the Village of Lyons be designated as Acting Sergeant for the purpose of accepting bail pursuant to the Criminal Procedure Law and for the purpose of Verification and Complaint, pursuant to the Vehicle and Traffic Law of the State of New York.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the Faithful Performance Blanket Position Coverage be placed in force for the amount of \$25,000 each for the Village Justice, Acting Village Justice, and Court Clerk, Clerk-Treasurer and Mayor; and the Clerk-Treasurer, Deputy Clerk-Treasurer and the Water/Sewer Clerk-Executive Secretary be additionally bonded in the amount of \$500,000.00.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Evangelist, second by Mr. Alvaro

RESOLVED that the regular meeting of the Village Board of Trustees be held on the second Tuesday of each month at 6:00 P.M. and a workshop meeting if necessary the fourth Tuesday at 6:00 P.M of each month, and

BE IT FURTHER RESOLVED that a Special Meeting may be called by the Mayor or any two Trustees upon notice to the entire Board; notice shall be given at least five days in advance unless an emergency exists; notice is to be given by telephone, e-mail or in writing or in person.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the recommendation of the Mayor be approved and Arthur Williams, Esq. be and hereby is appointed Village Attorney, Public Officer at an annual salary of \$12,000.00 for the Village of Lyons for the ensuing year based on his years of Municipal Law experience.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Mr. Evangelist

RESOLVED that the recommendation of the Mayor be approved and that Richard C. Wunder be and hereby is appointed Acting Village Justice for the ensuing year.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the recommendation of the Mayor is approved and the following persons be appointed to the Joint Village/Town Planning Board to serve without compensation:

Scott Bailey 5 years

Harry L. Aunkst 4 years

John Hewes 3 years

John McCranels 2 years

Andrea Evangelist, Alternate 1 year

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the recommendation of the Mayor is approved and the following persons are appointed to the Zoning Board of Appeals to serve without compensation:

James Wilhelm 5 years

Glen Halcus 4 years

Clifford Hunt 3 Years

Deborah VanHousen 2 years

Joan Smith 1 year

AND BE IT FURTHER RESOLVED that the Zoning Board of Appeals be given authorization to appoint a Chairman of the Zoning Board of Appeals for the ensuing year.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that Town Clerk, Sal Colatarci be appointed to act as Village Registrar of Vital Statistics for the ensuing year.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the Village Board authorizes the Clerk-Treasurer or the Deputy Clerk-Treasurer to make payments of claims for public utility services, including gas and electric, telephone, postage, freight, FICA payroll taxes, Blue Cross/Blue Shield, Teamsters Insurance, debt service and trust and agency related payroll deduction, prior to regular audit.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Evangelist, second by Ms. Greco

RESOLVED that there is to be held during the coming official year, Wayne County Village Officials Association Meetings

WHEREAS, it is determined by the Board of Trustees that attendance by certain municipal officials and employees at one or more of these meetings benefit the municipality,

BE IT FURTHER RESOLVED that the following officers and employees are hereby authorized to attend the meeting: Mayor, Village Board, Clerk-Treasurer, Deputy Clerk-Treasurer, Village Attorney, Code Enforcement Officer, Police Chief, Village Justice, and Fire Chief and no more than three representatives attend these meeting unless otherwise approved by the Village Board.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that Carol Bailey be and is appointed the Village Historian for the ensuing year with no compensation.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Mr. Evangelist

RESOLVED that at the beginning of each Village Board meeting, a pledge to the American Flag will be done and it be done with proper decorum.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

Mayor Kleisle reported she has advertised for resumes for the dissolution process. All resumes should be in by December 10, 2012. She hopes to make appointments at the December 11, 2012, Village Board meeting.

Mayor Kleisle announced we have received the certification of the dissolution vote from the Wayne County Board of Elections. Within 30 days the Village Board will have a meeting to start the planning.

Mayor Kleisle communicated the College of Albany is willing to work with MRB/group to assist in the dissolution study.

Mayor Kleisle reported the Village of Lyons was awarded the grant from NYS Office of Local Government Efficiency in the amount of \$49,500. The local share from the Village of Lyons will be \$5,500.

Mayor Kleisle stated several people have expressed an interest in the vacant Village Trustee position. She has requested those interested to submit a resume to her.

Trustee Greco requested an executive session to discuss a personnel matter within the Lyons Fire Department.

Andrew DeWolf, 7 Sisson Street, objected to the Village Board entering into executive session. He claimed the motion was insufficient, more information was needed and the Village Board was in violation of the OML section H. He stated he was observing his right under the Open Meetings Law. He told the Mayor, he would not leave until ordered to do so by the Mayor. Mayor Kleisle ordered him to leave and Chief Bogan escorted him out.

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that executive session be declared at 6:38 P.M. for the purpose of discussing employment history within the Lyons Fire Department.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Evangelist

RESOLVED that the meeting be moved out of executive session at 7:00 P.M.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the meeting be adjourned.

AYES: Mr. Alvaro, Mr. Evangelist, Ms. Greco

Meeting adjourned at 7:03 P.M.

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Denise Darcangelis, Clerk-Treasurer

## Exhibit E

### December 27, 2012 Village Board Minutes

[http://www.villageoflyons.com/thevillage/images/minutes\\_12-27-12.pdf](http://www.villageoflyons.com/thevillage/images/minutes_12-27-12.pdf)

A SPECIAL MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON THURSDAY, DECEMBER 27, 2012, AT 6:00 P.M. AT THE VILLAGE HALL, 76 WILLIAM STREET, LYONS, NEW YORK.

PRESENT: Dennis Alvaro, Deputy Mayor  
Sean Dobbins, Richard Evangelist, Joanne Greco, Trustees  
Denise Darcangelis, Clerk-Treasurer  
Karen DeSain, Deputy Clerk-Treasurer  
Police Chief Richard Bogan

ABSENT: Corrine Kleisle, Mayor  
Arthur Williams, Village Attorney

Also in attendance: Gerry Clingerman, James Brady, Charles Bridger, Jan Mastracy, and Joan Smith

This meeting was duly noticed to the Times of Wayne County, and the public notice posted on the Village Official Bulletin Board and the Village website.

Deputy Mayor Alvaro welcomed everyone in attendance.

Deputy Mayor Alvaro, read a letter from Mayor Kleisle appointing Sean Dobbins to the vacant office of Village Trustee, in accordance to Village Law 3-312 Filling of Vacancies. Said term of office is for the balance of the Village official year which will end the first Monday in December 2013.

Clerk-Treasurer, Denise Darcangelis, swore in Sean Dobbins as Village Trustee.

Deputy Mayor Alvaro read a letter from Mayor Kleisle appointing people to the Dissolution Committee. The appointments to this committee must be done by Mayor Kleisle 30 days of the Board of Elections certification of ballot results, which was December 3, 2012. She hereby appoints the following persons to serve on the Committee who will be charged with the preparation and approval of a dissolution plan to be submitted to the Village within 180 days:

Richard J. Bogan  
Sergei Bartishevich  
James Brady  
John Cinelli  
Brian Manktelow/Daniel LaGasse (one slot)  
Corrine Kleisle

There are three vacancies open that Mayor Kleisle will fill the second week of January.

RESOLUTION offered by Mr. Evangelist, second by Ms. Greco

RESOLVED that authorization is granted to seek bids for the Request for Qualifications for the Dissolution Consultant to be received by January 30, 2013.

AYES: Mr. Dobbins, Mr. Evangelist, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Evangelist

RESOLVED that a price be requested from MRB for the change in the Parks and Recreation Grant for the site along Abby Park to under the Leach Road Bridge to extend and start along the Canal bank to connect to the Wayne County Trail.

AYES: Mr. Dobbins, Mr. Evangelist, Ms. Greco

The Village of Lyons has received a template for implementing an ADA Transition Plan and subsequently ensuring compliance with the regulations set forth by the ADA from New York State Department of Transportation. This will be worked on and completed within the next few weeks. For information only.

A discussion took place regarding the street lights that are out on the corner of William and Church Street. The lights have been reported to NYSEG. This is not a priority with NYSEG. A lot of their crews are in New Jersey since the destruction of Hurricane Sandy.

RESOLUTION offered by Mr. Evangelist, second by Ms. Greco

RESOLVED that the meeting be adjourned.

AYES: Mr. Dobbins, Mr. Evangelist, Ms. Greco

Meeting adjourned at 6:15 P.M.

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Denise Darcangelis, Clerk-Treasurer

# **Exhibit F**

## **2/12/2013 Village Board minutes appointing remaining dissolution committee.**

[http://www.villageoflyons.com/thevillage/images/2-12-13\\_minutes.pdf](http://www.villageoflyons.com/thevillage/images/2-12-13_minutes.pdf)

REGULAR MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY, FEBRUARY 12, 2013, AT 6:00 P.M. AT THE VILLAGE HALL, 76 WILLIAM STREET, LYONS, NEW YORK.

PRESENT: Corrine Kleisle, Mayor

Dennis Alvaro, Deputy Mayor

Sean Dobbins, Joanne Greco, Trustees

Richard Bogan, Police Chief

Denise Darcangelis, Clerk-Treasurer

Michael Salerno, General Working Foreman

Arthur Williams, Village Attorney (left 7:25 P.M.)

ABSENT: Richard Evangelist, Trustee

Also present: Jack McCranels, Ron DeCracker, Ken Marsteiner, Gerry Clingerman, Steve Corcoran, Pete and

Paige Stoep, Kay Bailey, Jessica Edgington, Bob Kelley

Mayor Kleisle welcomed everyone and asked for all present to stand and pledge the flag.

Deputy Mayor Alvaro introduced Phil and Don from AP Plumbing. The purpose of their presentation was to give an overview of the services they offer opposed to the Village of Lyons purchasing a sewer jet. They assured the Village they can respond in hours, not days, if needed. They can help out project by project basis. They will provide us with a rate structure. Trustee Greco questioned if we needed a sewer jet for daily use. Trustee Alvaro commented, if we purchase a new machine, we will not have Mike to do the preventive maintenance which increases the lifespan of the equipment; this is why he is looking at this route. Trustee Dobbins questioned if we can continue to use the neighboring community's equipment and pay a fee.

AP Plumbing will put a rate sheet together for the Village of Lyons and list all services offered.

Deputy Mayor Alvaro thanked Steve Corcoran for doing the leg work to get the information on AP Plumbing.

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the minutes of the regular meeting held on January 8, 2013, the special meeting held on February 6, 2013, and the Request for Qualifications opened on February 8, 2013, be approved as submitted.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the audit be approved as submitted #703-#720 General, Water, and Sewer Fund \$182,426.20; #721-#802 General, Water, and Sewer Fund \$134,340.81; #803 Trust & Agency-Drug Forfeiture \$92.58; #804-#806 Capital Account-WMRP \$48,806.25.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Village Attorney, Arthur Williams, reported he researched case laws for the excessive water and sewer bill at 10 Spencer Street. He found nothing similar to that circumstance. The water meter was installed in 1984 and the house was sold 8 years ago. A inside reading was never done at the time of the sale. Village Attorney, Arthur Williams, stated it has been 29 years since a meter was installed. He suggests pro-rate 8 years for billing purposes at the old water and sewer rate.

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the water bill at 10 Spencer Street be pro-rated 8 years at the old water and sewer rate.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Mayor Kleisle reported two vacant properties in the Village of Lyons have had pipes frozen causing water leaks at those locations. At one property the cellar had 4 feet of water in the basement and in the other the radiators burst. In the past, the property owner has paid water and sewer per square foot for the water loss. Village Attorney, Arthur Williams, commented if the water went through the meter, we must bill them for the water. If we are confident the water did not go through the sewer, we can back out the sewer.

Village Attorney, Arthur Williams, reviewed the notification from the New York State Department of Transportation that the circa 2002, we have on file with them, must be updated. Mr. Williams stated this is all in order and is a standard indemnification form.

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

WHEREAS, the undersigned Village of Lyons ( Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and © all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of way, Permittee hereby agrees to the following terms and conditions:

5. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking. FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Robert Kelley and Jessica Edgington were in attendance to discuss the future of the Lyons Main Street Program. They advised the Village Board they are trying to get the program started again. They are working on changing the image of the Lyons Main Street Program. People see this as a festival agency. The goal is to revamp store fronts, bring businesses to Lyons, and review executive duties. A brochure will be created to do an outreach. They are looking to change the office to have an information center and a place to get grant information.

Mayor Kleisle commented the Village Board is behind the Lyons Main Street Program 100%. This will be the fourth year the Village of Lyons pledges \$10,000 to this program. The Village will write a check for \$5,000, budget allocated, and the remainder will be reassessed once we see how the program is doing.

The Treasurer's Report was presented and is on file at the Village Clerk's Office.

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the accounts that are overdrawn be balanced in the general, water, and sewer funds. (See Attached)

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

Resolved that the 2012-2013 budget be amended in G2680 Insurance recoveries, and G8120.266 Equipment, in the amount of \$11,085.00 for the 2001 Ford pickup that was totaled due to fire damage.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the auditor's Draft Report for May 31, 2012, for the single audit conducted is approved as written.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Village Clerk, Denise Darcangelis, advised the Board the position for the Part-Time Water Sewer Clerk is still vacant. The person selected declined the position. We will be advertising again. For information only.

Mayor Kleisle read a letter of resignation from Andrea T. Evangelist. She is resigning from the Joint Village and Town Planning Board effective immediately. Vacancy will be filled in the future.

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the letter resignation from Andrea Evangelist from the Joint Village and Town Planning Board be accepted and a thank you letter be sent to her for serving on the Planning Board.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Mayor Kleisle stated she received communication from NYMIR announcing there will be a proposed rate adjustment in 2013 which will be a rate decrease. This will be effective January 1, 2013. For information only.

Mayor Kleisle reported communication has been received from Time Warner Cable that there will be a rate increase for customers effective March 1, 2013. For information only.

Mayor Kleisle stated there is a bill in legislation making it mandatory for banks to provide municipalities with contact information of property managers or other parties responsible for upkeep and maintenance if foreclosed or abandoned properties. She asked that a resolution be passed for support for New York State contact information for vacant structures.

Resolution offered by Mr. Dobbins, second by Ms. Greco



Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible

parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Village of Lyons Village Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the Village of Lyons hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Village of Lyons support the passage of said Bills.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Mayor Kleisle reported the New York State Department of Health has issued a Water Sample Schedule Report for 2013. This is on file with the Village Clerk.

Communication was received from Charles Bridger, a resident at 77 Phelps Street. He is scheduled to have an apartment inspection this year. He is requesting a copy of the local law that authorizes the Village to inspect apartments. He is currently working on his house to place it on the market in 2014. A discussion took place. It was determined to give him three months to comply and if he refuses to have his property inspected, his Certificate of Occupancy will be revoked. A letter will be sent to him.

Mayor Kleisle read the Village Justice Report for January 2013. The number of cases reported to audit and control was 139, fines collected \$8,324.50, and bail collected \$6,300. Mayor Kleisle also read the annual report for the Village Justice. These are on file with the Village Clerk.

RESOLUTION offered by Mr. Alvaro, second by Mr. Ms. Greco

RESOLVED that Mayor Kleisle is authorized to execute the contract with the Town of Lyons for Fire Protection in the amount of \$153,280.94.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Dates and times were discussed for budget workshops. The first one is scheduled for Saturday, February 23, 2013, at 8 A.M. at the Village Hall. A public notice will go on the Village's bulletin board, on our website, and the newspaper will be notified.

RESOLUTION was offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that authorization is granted for Michael Salerno, Tom Gowan, and Richard Wunder to attend a NYRWA seminar on April 25, 2013, in Mt. Morris, on Line Location/Leak Detection.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Mayor Kleisle appointed the three remaining positions for the Dissolution Plan Committee Members, Joan Smith, resides at 88 Montezuma Street, James Pacello III, resides on Mount Pleasant Road, and Thea Hall who resides at 37 Ashley Street.

Mayor Kleisle announced two Request for Qualifications were received for the Dissolution Plan and Analysis of Alternatives, MRB/group and CGR.

After a lengthy discussion, it was determined to award this to MRB/group.

RESOLUTION offered by Mr. Alvaro, second Ms. Greco

RESOLVED that the Request for Qualifications for the Dissolution Plan and Analysis be awarded to MRB/group.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco, Mayor Kleisle

Village Attorney, Arthur Williams, left at 7:25 P.M.

Mayor Kleisle reported notice was received from the State of New York the Waste Water Treatment Plant project, GIGP, has been fully completed in accordance with the requirements set forth the Grant Agreement between the Village of Lyons and the New York State Environmental Facilities Corporation. For information only.

Mayor Kleisle reviewed Bob Stopper's report on the Canal. He gave an update on activities of the forthcoming boating season and gave an overview of the 2012 boating season. He is looking to do a trifold color Lyons historical brochure that will contain historical sites of the village and town.

Mayor Kleisle thanked Mr. Stopper for everything he has done along with all of the people who take time to welcome the boaters to the Village of Lyons. RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that authorization is granted to donate \$500.00 for the color trifold Lyons historical brochure.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Dobbins, second by Mr. Alvaro

RESOLVED that authorization is granted for David DeWolf to attend a NYRWA seminar on February 21, 2013, in Waterloo, on Process Measurement and Control at a cost of \$38.00

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Trustee Dobbins read and signed a Declaration of Interest in Contract. This prohibits the Village of Lyons to purchase items from businesses he owns while serving as a Trustee. This is required by General Municipal Law Article 18 and is on file with the Village Clerk.

The Lyons Police Department report for the month of January 2013 is on file with the Village Clerk.

Chief Bogan presented the 2012 Annual Police Report. This is on file with the Village Clerk.

Chief Bogan reported Police Officer Michael Fera has started in the academy. Chief Bogan will keep us updated on his progress.

Mayor Kleisle read the Code Enforcement Report for January 2012. This is on file with the Village Clerk.

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that attendance is authorized for the Village Board, Zoning Board, Planning Board, Code Enforcement Officer, Mayor, and Clerk Treasurer to attend various trainings at the Wayne County Public Safety Building on March 6<sup>th</sup>, March 12<sup>th</sup>, April 20<sup>th</sup>, September 16<sup>th</sup>, and October 8<sup>th</sup>.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Trustee Alvaro discussed the DPW report for the month of February. This is on file with the Village Clerk.

Trustee Alvaro updated the Board on the request from Father Chumo regarding the handicap parking space for St. Michael Roman Catholic Church. Father Chumo is out of town due to a family emergency. He will contact him upon his return.

Trustee Greco presented the Lyons Fire Department monthly report for the month of January 2013. On file for future reference.

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that executive session be declared at 8:17 P.M. for the purpose of discussing Collective Bargaining Negotiations.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Dobbins, second by Ms. Greco

RESOLVED that meeting be moved out of executive session at 8:39 p.m.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Ms. Greco, second by Mr. Alvaro

RESOLVED that the revised union employee contract between the Village of Lyons and Teamster Local 118 (per attached) be approved.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the employment contract between the Village of Lyons and Michael Salerno (per attached) be approved as within the Teamster Contract.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the meeting be adjourned.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Meeting adjourned at 8:40 P.M.

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Denise Darcangelis, Clerk-Treasurer

# Exhibit G

## Village Board Meeting 2/26/2013

[http://www.villageoflyons.com/thevillage/images/special\\_meeting\\_2-26.pdf](http://www.villageoflyons.com/thevillage/images/special_meeting_2-26.pdf)

SPECIAL MEETING OF THE VILLAGE OF LYONS BOARD OF TRUSTEES HELD ON TUESDAY, FEBRUARY 26, 2013, AT 6:30 P.M. AT THE VILLAGE HALL, 76 WILLIAM STREET, LYONS, NEW YORK.

PRESENT: Corrine Kleisle, Mayor

Dennis Alvaro, Deputy Mayor

Sean Dobbins, Joanne Greco, Trustees

Richard Bogan, Police Chief

Denise Darcangelis, Clerk-Treasurer

Karen DeSain, Deputy Clerk-Treasurer

ABSENT: Richard Evangelist, Trustee

Also present: Andrew DeWolf, Pete Mastracy, Mark DeCracker, Jeff Hayes, Steve Corcoran, Robert

Darcangelis, Jack McCranels, Joan Smith, John Cinelli, James Pacello, Brian Manktelow, Thea Hall, Sergei Bartischevich

Mayor Kleisle welcomed everyone and asked for all present to stand and pledge the flag.

She informed everyone the meeting was videotaped by Mark DeCracker and audio recorded by the Clerk-Treasurer, Denise Darcangelis.

All future meetings of the Dissolution Planning Committee will be videotaped. The meetings are not subject to the New York State Open Meetings Law, however, the public will be able to sit and observe without making comment and the meeting dates will be posted on our Village website.

Mayor Kleisle introduced the members of the Dissolution Committee, Thea Hall, Joan Smith, James Pacello, John Cinelli, Sergei Bartischevich, Chief of Police, Richard Bogan, Brian Manktelow, shared position with Dan LaGasse, Corrine Kleisle. Absent: James Brady.

She thanked all of them for agreeing to be a committee member. It will be a difficult job and will be very time consuming. It is a working committee.

All members have assured her that their findings and recommendations will be the needs of both the Town and the Village. This will not be personal feelings as to the Village should be dissolved or not. They will work on a plan that will make it the best it can be for all the people in the Village and all the people in the Town. She feels the committee is an unbiased group that will come up with a very good plan for the Dissolution. The Committee will make progress reports to the Village Board monthly. The Village will provide all and any information, records, everything the committee needs to do an appropriate plan.

The choice of people on the committee recommends that it consist of the Village Mayor, representative from the Town, representative from Municipal Labor Unions, balance of committee made up of residents from business owners, property owners from the Town and the Village. Mayor feels our committee is good cross sections from our community.

The plan must be done within 180 days, commencing December 27, 2012. This will bring us into the end of June 2013. The deadline is very important for us to complete a plan for the dissolution. However, it is imperative that the plan be a quality product and not compromised because of the required time constraints. We will all work to meet that deadline, but will also make sure what is presented at the Public Hearing is a good plan.

This committee will be required to address the following issues:

Name of the Village, our boundaries, type and class of the Village, a fiscal estimate of the cost of dissolving the Village, any plan of transferring or eliminating positions of public employees, review Village assets, including but not limited to real and personal property, address Village's liabilities and indebtedness, bounded and otherwise and it's fair value, review any agreements entered with towns or any government agencies, the manner and means by which municipal services will be continued followed by the dissolution. Terms of disposing the Villages assets, liabilities and indebtedness, including the levying of taxes. Pay off any liabilities. Findings as to any Village Local Laws and ordinances remain in effect after the dissolution for a certain period of time.

At the first meeting of our committee, a chairman will be elected and a Deputy. People will be appointed to subcommittees for Public Safety-Fire and Police, Public Works, Water & Sewer, Administration, Financials, Courts, and Zoning and Codes.

At the last Village Board meeting, the Village Board appointed MRB/group to be our consultant in this dissolution process. Diana Smith and Connie Sowards were introduced to the committee.

Diana Smith gave an overview of MRB/group and their role. They will utilize the expertise and recommendations of the Dissolution Committee who have been charged by the Mayor with the responsibility of analyzing services provided by both the Village and Town, then planning for the optimal dissolution path, and finally examining the fiscal impacts of dissolution which include recognition of the actual costs anticipated to be created by the dissolution process, as well as recognition of the incentives which the state has made available.

They see their role as being a guide that supports the Committee in the gathering and interpretation of data, in the discussions about services and optimal delivery, in the analysis of the fiscal impacts of combining services, in the exploration of alternatives, and finally, in preparation of a report which is focused on the critical elements and communicates effectively the considerations taken in this effort, so that the residents of Lyons understand the discussions and their implications. Most importantly, they hope they can help the committee retain an objective approach to determining what's in the best interest of the community.

She explained the toughest task of the committee will be to suspend their discussions and deliberations on whether the Village should dissolve and instead focus on a creation of a plan that is optimal.

Connie Sowards discussed the process and responsibility of the committee. Notebooks were handed out to get the committee started.

Diana Smith reviewed the timeline for the dissolution process. MRB /group is fully prepared to meet the statutory guidelines set by Article 17-A. Diana Smith reviewed the duties of the Committee Chairperson. This person will serve as a central contact for the Board and the Consultants, appoint a Deputy Chair, appoint a secretary to maintain notes for the committee, schedule full committee meetings, appoint sub committees, help

move process along and keep deadlines, and notifying the Village Board of scheduled committee meetings. Chairing the full meetings and keeping order.

A contact sheet was distributed to the committee to put their contact information and list their areas of interest to assist the Chairperson in selecting the subcommittees.

The first committee meeting was scheduled Thursday, March 7, 2013, at 6:30 P.M. at the Village Hall.

RESOLUTION offered by Ms. Greco, second by Mr. Dobbins

RESOLVED that authorization is granted for M. Salerno, T. Gowan, T. Jones, R. Wunder, D. Buisch, T. Jelomono, and B. Follette to attend Dig Safely meeting in Watkins Glen from 8 A.M. to 2 P.M. on March 7, 2013.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Mayor Kleisle stated the Lyons Police Association has notified her of commencing police negotiations.

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that authorization is granted for Village Attorney, Art Williams, to be the Village negotiator in the amount of \$1,200 for the Lyons Police Association negotiations.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

The next budget meeting is scheduled for Tuesday, March 5, 2013, at 6:00 P.M. at the Village Hall.

RESOLUTION offered by Mr. Dobbins, second by Ms. Greco

RESOLVED that authorization is granted for Brian Price II to complete 20 senior hours at the Lyons Fire Department.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Dobbins, second by Mr. Alvaro

RESOLVED that the path behind the Hotchkiss Building be named the Hotchkiss Lane.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

RESOLUTION offered by Mr. Alvaro, second by Ms. Greco

RESOLVED that the meeting be adjourned.

AYES: Mr. Alvaro, Mr. Dobbins, Ms. Greco

Meeting adjourned at 7:35 P.M.

---

Denise Darcangelis, Clerk-Treasurer

## Exhibit H

### Dissolution Website and Video of 4/11/2012 Dissolution Meeting

Following the initial meeting of the Dissolution Committee, the Committee's appointed Secretary will scribe notes / minutes which will be posted here for public information purposes.

They will be made available on this page as soon as they are provided by the Secretary.

Videotaping is being provided by the Village. Links to the the most current videos are provided to the right. You should be able to find archived videos directly at [www.YouTube.com](http://www.YouTube.com) by searching for both "Lyons Dissolution" and "Mark DeCracker."

Meeting Minutes - 5/30/13	Meeting Video - 5/30/13
Meeting Minutes - 5/23/13	Meeting Video - 5/23/13
Meeting Minutes - 5/9/13	Meeting Video - 5/9/13
Meeting Minutes - 5/2/13	Meeting Video - 5/2/13
Meeting Minutes - 4/11/13	Meeting Video - 4/11/13
Meeting Minutes - 3/28/13	Meeting Video - 3/28/13
Meeting Minutes - 3/21/13	Public Info Mtg - 3/21/13
Meeting Minutes - 3/14/13	Meeting Video - 3/21/13
Meeting Minutes - 3/7/13	Meeting Video - 3/14/13
	Meeting Video - 3/7/13 - PT2
	Meeting Video - 3/7/13 - PT1
	Meeting Video - 2/26/13

4/11/2012 Videos Part II starting at minutes 02:30 through 08:40 mins, located at

<http://www.lyonsdissolution.org/page3.html>.

Lyons Dissolution Meeting  
April 11, 2013  
[www.lyonsdissolution.org](http://www.lyonsdissolution.org)

Lyons Dissolution Meeting April 11th Part 2  
Mark DeCracker · 375 videos · 36 views

Subscribe 100

Like 0 Dislike 0

About Share Add to

- Lyons Dissolution meeting May 30, 2013 by Mark DeCracker 10 views 4:07:29
- Lyons Dissolution Meeting April 11th Part 1 by Mark DeCracker 1 view 1:01:52
- Lyons Dissolution Meeting May 23, 2013 by Mark DeCracker 12 views 4:31:17
- Lyons Dissolution Meeting, May 9, 2013 by Mark DeCracker 3 views 1:19:34
- Lyons Dissolution Meeting May 2, 2013 by Mark DeCracker 89 views 1:20:28
- Montezuma Mural Dedication, May 4, 2013 by Mark DeCracker 1 view 43:14
- Lyons Dissolution Meeting March 14, 2013 by Mark DeCracker 97 views 4:46:06

# Exhibit I

June 6, 2013 Dissolution Committee Meeting <http://www.lyonsdissolution.org/page3.html>

The screenshot shows a web browser window with the URL <http://www.lyonsdissolution.org/page3.html>. The page content is as follows:

### Meeting Minutes and Video Links

Following the initial meeting of the Dissolution Committee, the Committee's appointed Secretary will scribe notes / minutes which will be posted here for public information purposes.

They will be made available on this page as soon as they are provided by the Secretary.

Videotaping is being provided by the Village. Links to the the most current videos are provided to the right. You should be able to find archived videos directly at [www.YouTube.com](http://www.YouTube.com) by searching for both "Lyons Dissolution" and "Mark DeCracker." Mark is the individual providing videography for this process, and posting videos to YouTube for public viewing at the request of the Village Board.

Meeting Minutes - 6/6/13	Meeting Video - 6/6/13
Meeting Minutes - 5/30/13	Meeting Video - 5/30/13
Meeting Minutes - 5/23/13	Meeting Video - 5/23/13
Meeting Minutes - 5/9/13	Meeting Video - 5/9/13
Meeting Minutes - 5/2/13	Meeting Video - 5/2/13
Meeting Minutes - 4/11/13	Meeting Video - 4/11/13
Meeting Minutes - 3/28/13	Meeting Video - 3/28/13
Meeting Minutes - 3/21/13	Public Info Mtg - 3/21/13
Meeting Minutes - 3/14/13	Meeting Video - 3/21/13
Meeting Minutes - 3/7/13	Meeting Video - 3/14/13
	Meeting Video - 3/7/13 - PT2

The screenshot shows a YouTube video player with the following details:

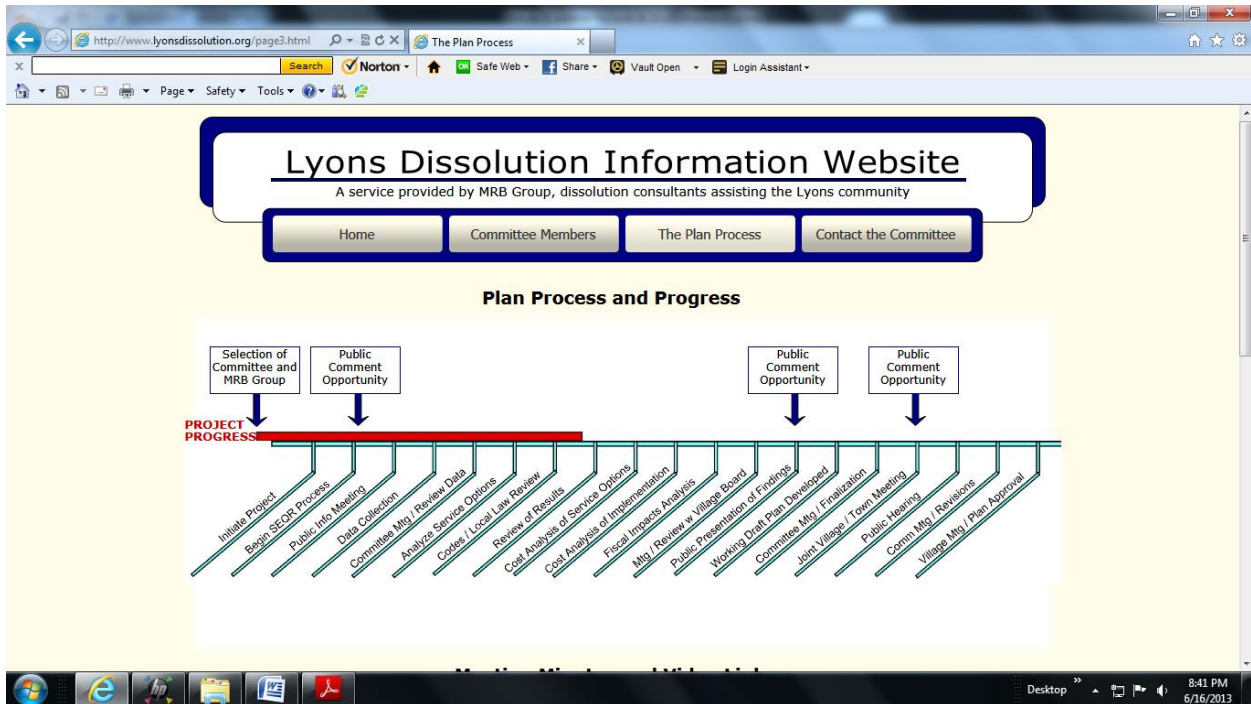
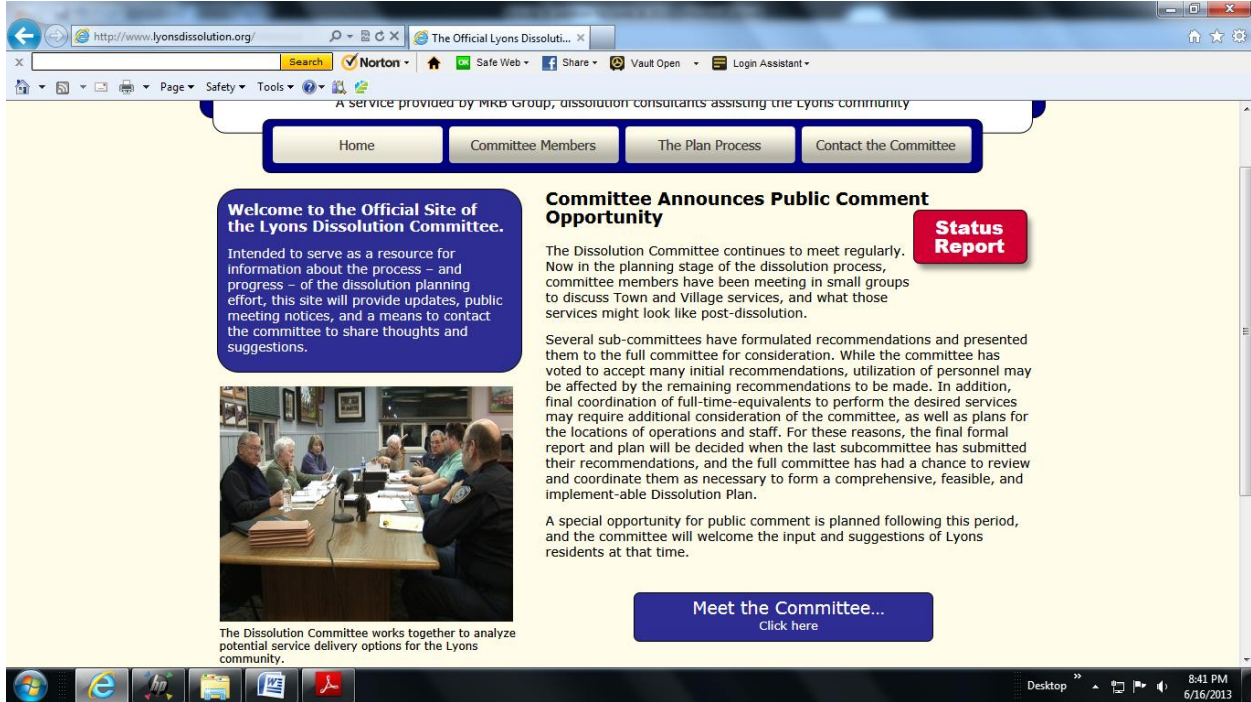
- Video Title: Lyons Dissolution Meeting June 6, 2013
- Channel: Mark DeCracker (378 videos)
- Views: 22 views
- Like button: 0 likes
- Subscribe button: 102 subscribers
- Video Player: 00:08 / 26:57

On the right side of the page, there is a list of related videos:

- 2013 Lyons June 13 Part 1 (1:05:14)
- Lyons Dissolution meeting May 30, 2013 (1:07:29)
- Lyons Dissolution Meeting June 13, 2013 Part 2 (38:57)
- Lyons Dissolution Meeting May 23, 2013 (1:34:17)
- Lyons Dissolution Meeting, May 9, 2013 (1:19:34)
- Lyons Dissolution Meeting April 11th Part 1 (1:01:52)
- Lyons Dissolution Meeting March 14, 2013 (1:4:06)

# Exhibit J

Establishing the current status reports and plan process as June 16, 2013. Based upon the committee updates and the formal website progress reports, Lyons is only 1/2 through the process.



# Exhibit K

**June 23, 2013 Official MRB and Lyons Dissolution Committee Webpage with progress results and justification for failing to complete plan in required time frames.**

The screenshot shows a web browser window with the URL <http://www.lyonsdissolution.org/page3.html>. The page title is "The Plan Process". The main content area is titled "Plan Process and Progress" and features a Gantt-style chart. A red bar at the top of the chart is labeled "PROJECT PROGRESS". The chart lists 20 steps: 1. Initiate Project, 2. Begin SECOR Process, 3. Public Info Meeting, 4. Data Collection, 5. Committee Mtg / Review Data, 6. Analyze Service Options, 7. Codes / Local Law Review, 8. Review of Results, 9. Cost Analysis of Service Options, 10. Fiscal Impact of Implementation, 11. Mtg / Review w Village Board, 12. Public Presentation of Findings, 13. Working Draft Plan Developed, 14. Committee Mtg Finalization, 15. Joint Village / Town Meeting, 16. Public Hearing, 17. Comm Mtg / Revisions, 18. Village Mtg / Plan Approval, 19. Public Comment Opportunity, and 20. Public Comment Opportunity. Below the chart is a section titled "Meeting Minutes and Video Links". It contains text: "Following the initial meeting of the Dissolution Committee, the Committee's appointed Secretary will scribe notes / minutes which will be posted here for public information purposes. They will be made available on this page as soon as they are provided by the Secretary." There are four buttons: "Meeting Minutes - 6/13/13", "Meeting Video - 6/13/13 - PT2", "Meeting Video - 6/13/13 - PT1", and "Meeting Minutes - 6/6/13". The system tray shows the date and time as 5:07 PM on 6/23/2013.

The screenshot shows a web browser window with the URL <http://www.lyonsdissolution.org/>. The page title is "The Official Lyons Dissoluti...". A blue button labeled "Meet the Committee... Click here" is visible. The main text area contains the following information: "little or no information to provide," MRB Group consultant Diana Smith said. "In many ways, this is still uncharted territory for the State of New York." "When asked about the likely date of completion of the Dissolution Plan, Committee Chair Sergei Bartishevich indicated that it is unlikely the June 27 deadline can be achieved. He called it a "target date," but stated that he believed the need for thoroughness and completeness of the plan outweighed an arbitrary deadline. While State Statute clearly defines a 180-day period for "approval" of a dissolution plan initiated by a public referendum, the same statute also provides a strict schedule of public notifications and opportunities for public input throughout the process of its creation. The committee reviewed a calendar and established that, given completion of a draft by August, it would still require several public notices, meetings, and required hearings to satisfy the law. Bartishevich stated that it would be premature to discuss a final date. "We should be more concerned with a quality plan," he stated. The actual date of dissolution, however, was discussed by the committee. Following a determination that it should conclude a completed fiscal period (budget year), it was determined that 2014 would not provide sufficient time to implement the plan. By unanimous vote, the committee established May 31, 2015, as the official date for dissolution of the Village of Lyons to be included in the Dissolution Plan it will present to the Village Board. The committee encourages continued interest and participation in the dissolution planning process. Meetings generally take place on Thursdays and are videotaped, courtesy of the Village Board. The recordings appear on YouTube.com, with access via links on this website (See Project Plan Page: Meeting Minutes and Videos). For all public and general committee meetings, minutes are being taken and will be provided for review by the public on the "Plan Process" page of this website, as they become available." The system tray shows the date and time as 5:08 PM on 6/23/2013.



## Exhibit L

### Village Officials Media Statements and Letters regarding dissolution

[http://rochester.ynn.com/content/top\\_stories/611232/tough-decisions-ahead-after-dissolution-vote-in-lyons/](http://rochester.ynn.com/content/top_stories/611232/tough-decisions-ahead-after-dissolution-vote-in-lyons/)

11/07/2012 05:38 PM

## Tough Decisions Ahead After Dissolution Vote in Lyons

By: Seth Voorhees

*If the current margin holds up, residents in the Wayne County village of Lyons will have voted to dissolve a village government that's been around for nearly two centuries.*



The village of Lyons was incorporated in 1831. Dissolving it may have taken just one vote.

On Tuesday, village residents were asked to decide whether to dissolve the village of Lyons and its government into the town of Lyons. Yes votes outnumbered no's by a count of 45.

"I'm surprised," said Corrine Kleisle, mayor.

Kleisle grew up here. She's at a loss.

"I just don't understand how people can give away that history."

"You're going to save money, there's no way around that," said Jack Bailey.

The push to dissolve the village was spearheaded by Jack Bailey, a local minister and former elections commissioner who believes the move will save taxpayers money.

"A lot of it is due to duplication of services and we felt that eliminating a layer of government which the town could adequately cover for us would make it more efficient and reduce costs."

The mayor says there's no proof dissolution will add up to savings.

"The majority of people voted to dissolve without any concrete plan, without an actual savings," Kleisle said.

The effort to look into dissolving the village of Lyons began over the summer. Signatures were collected on petitions. Informational meetings were held.

"I think village residents have been very engaged in the debate," said Bailey.

The dissolution of the village of Lyons isn't a done deal, yet. Ninety-nine absentee ballots must still be counted.

If the vote stands, officials from the town and village have to figure out what to do with the village's 46 full and part-time employees, and all the services provided.

"We need to streamline, be more efficient, reduce layers, and in the end that does reduce tax burdens," Bailey said.

"Ultimately, the town will decide the bottom line. What's going and what's staying," said Kleisle.

Kleisle says tough decisions will have to be made, but in what's now the village of Lyons, life will go on.

"I think people bounce back. Whatever happens they make it work," said Kleisle

<http://www.wham1180.com/pages/localnews.html?feed=122742&article=10555820>

Wednesday, November 7, 2012

## Village Of Lyons May Dissolve

### **Some ballots still need to be counted.**

The Village of Lyons may be going away after a vote on Tuesday.

The results are unofficial, and absentee ballots still need to be counted, but at this point, it looks like the Village of Lyons may be dissolved. Voters approved the dissolution on Tuesday, 569 to 524. There are still more than 90 absentee ballots that have to be counted. Among those opposed to the idea, the mayor of the village, Corrine Kleisle: "I'm definitely disappointed, hate to see our 179 year old village go down the drain, so to speak." Kleisle says she still hasn't seen any study done of just how dissolving the village will save money...and she says the village is already saving money by sharing some services with the town: "We looked at everything that was recommended in the shared service and made our decisions, what was good for us and what wasn't." If the dissolution goes through, among the questions that will have to be answered is how the Town of Lyons will provide certain services, such as fire protection.

[http://rochester.ynn.com/content/top\\_stories/601708/dissolution-on-ballot-for-village-of-lyons/](http://rochester.ynn.com/content/top_stories/601708/dissolution-on-ballot-for-village-of-lyons/)

09/25/2012 11:14 PM

## Dissolution on Ballot for Village of Lyons

By: Christina Noce

After eight years serving as mayor for the village of Lyons, the proposal on November's ballot is hard to accept.

**"There's tradition, there's no need to give away the village," said Corrine Kleisle, mayor of Lyons.**

But that sentiment isn't shared by everyone. The petition for dissolution was signed by ten percent of the village's voters.

"History and nostalgia isn't enough reason to keep a tax burden among the citizens of the village. We are Lyons, whether we are a village or a town," said Jack Bailey, a resident.

The crowd at Tuesday's meeting had one question: what's the potential impact? A representative from the New York Conference of Mayors says a dissolution wouldn't necessarily provide more efficiency, but more of a cost shift.

"Right now, village residents pay town taxes and don't necessarily get services in return for that. When the village dissolves, the town now has to pay for the maintenance of the roads, village residents get something for their tax dollars," said Wade Beltramo, New York Conference of Mayors.

If the majority votes to dissolve the village, contracts concerning water, sewer, zoning and public safety services would have to be renegotiated.

Before November 6th, voters are going to have to decide which services they are willing to lose. That means the police presence that residents have come to rely on may no longer exist.

The village police department could be turned into a town department or dissolved completely, putting the burden on the Sheriff's Office.

"Sheriff has already taken the position that he would not be able to provide a police presence equivalent to the village police," said Chief Richard Bogan of the Lyons Police Department.

Dissolved services could also mean a loss of jobs. There's also the issue of village debt and benefits for 46 employees.

But the petition's main purpose, according to supporters, is saving money, which is the one thing that can't be proven. The results of a study conducted by an appointed committee to decide potential savings won't come until after November's vote.

Residents have looked to the dissolution of Seneca Falls' village as a comparison; however, Beltramo says the factors are different, most notably the tax savings village residents gained due to the landfill. Since every village is unique, officials say Lyons voters will have to weigh their options carefully.

"Don't throw away your village. Don't do it because you're mad at us because we didn't fill your pot hole. Have a good reason," said Kleisle.

<http://www.waynepost.com/latestnews/x171158074/New-committee-tasked-to-develop-dissolution-plan#axzz2X4zQVvpg>

New committee tasked to develop dissolution plan - Wayne County, NY - Wayne Post Page 1 of 2

## WAYNEpOST.COM

### New committee tasked to develop dissolution plan

*j\*,CT* By Tammy Whitacre, staffwriter

Messenger Post

Posted Mar 07, 2013 @ 11:07 AM

**Suggested Stories Lyons, N.Y.** - For the first time in over 40 years, a Wayne County village is designing a plan to dissolve.

The newly formed committee that will formulate a plan for the dissolution of the village of Lyons will meet for the first time Thursday, March 7 at 6:30 p.m. in a workshop that is open to the public. Its progress will be reported to the Village Board on a monthly basis. The last village in the county to dissolve was Savannah some 40 or 50 years ago, Mayor Corrine Kleisle said.

At last Tuesday's Village Board meeting, Kleisle introduced the nine-member committee made up of residents who each have a specific expertise in varying fields that the mayor believed would be beneficial in the process. They include Jim Brady, former county highway superintendent and former village trustee; Thea Hall, executive secretary to the principal at the elementary school; Joan Smith, with the Department of Social Services; Jim Pacello IIT, a local businessman; John Cinelli, a former mayor; Sergei Bartishevich, an active community member; Richard Bogan, Lyons police chief; Brian Manktelow, town supervisor, who will share committee duties with Councilman Dan Legacy; and the final member, Kleisle.

Kleisle said she received over 20 applications from residents interested in joining the committee. She selected the final nine herself.

The committee has until June 27 to develop a dissolution plan. MRBGroup consultants Diana Smith

and Connie Sowards will guide the committee and keep them on a prepared timeline that will ensure they meet the deadline.

But expediency isn't the committee's top priority, Kleisle reminded them.

"It's imperative the plan be a quality product and not be compromised due to the time constraints," she said.

Among the matters the committee has been tasked to examine are: the estimated fiscal cost for the village to dissolve; plans to transfer or eliminate positions; the village's assets, liabilities and indebtedness; any existing agreements between the village and other municipalities; the "manner and means" by which services will be provided to village residents; a determination if any local laws or ordinances will remain after the dissolution for up to two years.

Once the plan is complete and adopted by the Village Board, a public hearing will be held where residents can comment and

amendments can be made to the plan, Soward said. Once amendments, if any, are added, another public hearing is held. After the

final public hearing on the plan, residents may file a petition containing 25 percent of registered village voters signatures for another

referendum. The second vote, which would be on the plan itself. If the second plan, which would be on the plan itself, is approved, the

village dissolves, but if it fails, everything remains the same and there is a four-year waiting period before residents can seek to

dissolve the village again, Soward explained.

Smith offered the committee some words of wisdom as they move forward in a process that requires great patience and "inherently

breeds mistrust." She advised they set aside their personal feelings about the issue of dissolution and pursue a logical path.

"This is going to be an extremely challenging task," Smith said. "This is probably one of the most significant events in the village of

Lyons' history. If people are emotional, it's because they're passionate about the community. Remember to respect each other."

Comments (0)

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# LETTERS TO THE EDITOR

## Time for people in Lyons to get involved, voice opinions

issues before it's too late.

JOANNE GRECO  
Lyons taxpayer, village trustee

To the Editor:  
As a taxpayer of three properties in Lyons, I do not want to see taxes go up ever. I don't want to lose our village or our services. I stayed in this village because I loved what we do as a community.

I became a trustee almost eight years ago for a reason. Previous boards were trying to ruin our community, and I wanted to get involved to save it. It's so important as a taxpayer to get involved and do something that you believe in. I do NOT believe in dissolution. I believe consolidation is more cost effective. I don't mind paying for services; if it means a little bit higher taxes I'm OK if it's done right.

As a village trustee, I got involved to change the village ... or so I thought. Being a trustee I have realized it is NOT that easy to just change things. There are state mandates, rules that have to be followed on how you can use money, unions you have to abide by, and codes and violations you have to follow. It is not easy to say "Well let's do five roads, let's get rid of six people;" it's almost impossible.

I served on the board with people who now think they can change the village. Why don't they ask themselves who put us in this predicament. Not just four years of someone else's terms. It has been on a downswing for many years before. Didn't some boards want to raise taxes 22 percent? Didn't some boards want to BUY water we were losing into our bad infrastructure instead of fixing it? People complain about so many issues and I can only say "Get involved ... go to meetings ... don't waste village taxpayers money with 30 pages of foils ... don't complain after a vote has been made, be there before it's voted on ... don't bash our mayor who puts in 50 to 60 hours a week for a lousy \$5,000 out of your budget."

Decisions are made as a board NOT just one person. I've had moments where I disagreed with all board members, but we have all made good decisions together to keep our village running. We have not raised taxes 22 percent. We have cut the budget the last two years.

Don't transfer the burden onto the town and lose service. Work on the burden. Get involved one Tuesday out of the month to help. You will see we have been consolidating many projects with the town and the county to save money. These are things if you don't come to the meetings you don't know. Our mayor and board have worked hard to get us out of the deficit that was left by previous boards.

It's time to think and get involved. Don't let the people who served you previously try to take your village away. Be at the village meetings, voice your opinion on the

Above scan is an Op Ed from Village of Lyons Trustee Joanne Greco in opposition to dissolution.

## Exhibit M

**MRB Group guiding RFP language with Village of Lyons &**

**MRB Involvement in the process as early as July 2012**

**(Obtained from Village of Lyons via FOIL)**

10:55 AM

To: 'Andrew DeWolf'  
Corrine Kleisle From:

**Corrine Kleisle**  
(svillag3@rochester.rr.com) You moved this  
message to its current location.  
Tue 3/26/13 10:55 AM  
'Andrew DeWolf' (dewolfap@hotmail.com)

**From:** Smith, Diana [mailto:Diana.Smith@mrbgroup.com] **Sent:** Friday, January 18, 2013 5:30 PM **To:**  
Corrine Kleisle **Cc:** Sowards, Connie **Subject:** RE: RFQ

Hi Mayor -

I'm going to defer your question to Ryan and get his professional recommendation. In the meantime, I will also discuss with Connie and we'll plan to call you with some info first thing Monday morning.

I believe that in RFP-writing, there is a difference between estimating what is likely to be necessary for your own expectations, and **specifying a minimum scope** for the sake of keeping your responses fair, credible, and somewhat equal in expected deliverables.

There are many determining factors, such as how strong a role you and your staff will play in leading the meetings and adhering to the agenda, etc.

As we've discussed before, I believe that the most valuable thing you can specify is a requirement for specific deliverables that include more than just "discussion" of alternatives to dissolution (Seneca Falls' plan included just a few paragraphs) but rather a full evaluation and related financial impacts.

Sounds like you're on the right track with being quite specific.

If Ryan send me his thoughts sooner, I'll forward them to you. Otherwise, have a great weekend and we'll give you a call first thing Monday and make sure you have what you need.

Best regards,

Diana

**Diana Smith**

Director of Business Development

**ALBANY – AUSTIN – CORNING – ROCHESTER**

The Culver Road Armory

145 Culver Road, Suite 160

Rochester, NY 14620

(585) 381-9250 Phone

(585) 381-1008 Fax

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**From:** Corrine Kleisle [mailto:svillag3@rochester.rr.com] **Sent:** Friday, January 18, 2013 2:24 PM **To:** Smith, Diana **Cc:** Colvin, Ryan **Subject:** RFQ  
Diana

One of the templates I am following lists meeting with committee by consultant –kick off meeting and 5 meetings between committee and consultant. Is this enough meetings for the proposal. Any recommendations?

Corrine Kleisle, Mayor  
Village of Lyons

**From:** "Corrine Kleisle" <svillag3@rochester.rr.com>

**Date:** Tue, 17 Jul 2012 10:32:50 -0400

**To:** <richarde@rochester.rr.com>; <greeneyed1229@yahoo.com>; 'Terry VanStean'<vanstean@gmail.com>; <dealvaro@rochester.rr.com>; 'Art Williams'<nwart@rochester.rr.com>; 'Denise Darcangelis'<clerk@rochester.rr.com>

**Subject:** Village dissolution

On Wednesday, July 25, 2012 at 10:30 AM at the Village Hall, Ryan Colvin, and Diana Smith (former Mayor of Seneca Falls) from MRB group will be here to brainstorm and answer questions about the possible dissolving of the Village.

If you have time please attend and bring your list of questions so that we can all be better informed and this info can be relayed to the public.

Let me know, if we have a quorum we may need to notice the public of the meeting.

Per Ryan, MRB will not be charging for attending the meeting.

Corrine

## Exhibit N

### FOIL Request Appeal & MRB & Village EMAILS showing hostility to vote results (Obtained via Freedom of Information Law formal requests)

• -

3/15/13

To: Denise Darcangelis, Corrine Kleisle

Andrew DeWolf From:

Sent:

To:

Bcc:

Andrew DeWolf (dewolfap@hotmail.com)

Fri 3/15/13 8:53 PM

Denise Darcangelis (clerk@rochester.rr.com);

Corrine Kleisle (svillag3@rochester.rr.com)

Jack Bailey (bailey.jackarin@yahoo.com);

Steve Corcoran (scorky1949@gmail.com);

Kirsta DeWolf (daphne235@hotmail.com)

Dear Records Access Officer:

In the FOIL request dated 2/14/2013, section 5; I requested that you inform me if my request was too broad or did not reasonable describe the records to please contact me by email to seek clarification. Instead, the request was constructively denied, an appeal filed, and response to appeal received noting "*Please be advised the records you requested are voluminous. Your request is vague and Village personnel would have to sort through boxes and lateral file drawers, document by document, page by page, to retrieve the dates you requested. The files are not set up in chronological order; therefore, I have no other recourse than to spend hours on your request.*"

As a citizen **unfamiliar** with your filing systems and manner of storage of documents, I was unaware that this would have required a herculean effort to retrieve the records. My understanding was that these were stored electronically, and that the office has a high volume scanner/copier/fax capable of easily accomodating records? Please allow me to **MODIFY** the FOIL request as follows, and please **EMAIL** me if the records request is still non specific or too voluminous.

As this request has been pending since 2/14/2013, and was unnecessarily advanced to an appeal, please forwarded the requested electronic records immediately anything that can be immediately sent. If that is not feasible, then please explain and send the records by the Appeals deadline of Tuesday March 26, 2013.

Thank you for your more descriptive reply. Please consider that we may have avoided an appeal in this case if such reply had initally been received. I look forward to a more amicable and descriptive reply process in the future.

(1) Please **EMAIL** the following records if possible:

A) Any **email** correspondence to/from Village Officials from MRB Group representatives Ryan Colvin, Diana Smith, or Connie Soward since 1/1/2012.

B) **<Redacted - Item in B now on website>**

D) Yearly Water report to NYS for 2012.

E) Any **Emails or Memo's** to/from village officials from village department heads involving the village dissolution since 6/1/2012.

F) Any **Email** correspondence to/from Village Officials from Center for Governmental Research or their representatives since 1/1/2012.



G) <Redacted, please ignore>

H) <Redacted, please ignore>

I) <Redacted, please ignore>

(2) Please **INFORM ME** of the cost of providing paper copies of the following records:

A) Any **email** correspondence to/from Village Officials from MRB Group representatives Ryan Colvin, Diana Smith, or Connie Soward since 1/1/2012.

B) <Redacted - Item in B now on website>

D) Yearly Water report to NYS for 2012.

E) Any **Emails or Memo's** to/from village officials from village department heads involving the village dissolution since 6/1/2012.

F) Any **Email** correspondence to/from Village Officials from Center for Governmental Research or their representatives since 1/1/2012.

G) <Redacted, please ignore>

H) <Redacted, please ignore>

I) <Redacted, please ignore>

3) If all the requested records cannot be emailed to me, **please inform me by email of the portions that can be emailed** and advise me of the cost for reproducing the remainder of the records requested (\$0.25 per page or actual cost of reproduction). (4) If the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or floppy disk. **I will gladly provide the CD.** (5) **If my request is too broad or does not reasonably describe the records, Please contact me via email** so that I may clarify my request, and **when appropriate inform me of the manner in which records are filed, retrieved or generated.** If it is necessary to modify my request, and an email response is not preferred, please contact me at the following telephone number: \_\_ (315) 398-1195 \_\_\_\_. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and email address of the person or body to whom an appeal should be directed. Name: Andrew P. DeWolf

7 Sisson St

Lyons NY 14489

(315) 398-1195

From: clerk@rochester.rr.com To: dewolfap@hotmail.com Subject: Foil Request dated 2/14/13

Date: Fri, 15 Mar 2013 10:17:53 -0400

Please see attached

10:49 AM

To: 'Andrew DeWolf'

Corrine Kleisle From:

**Corrine Kleisle**

(svillag3@rochester.rr.com) You moved this message to its current location.

Tue 3/26/13 10:49 AM

Sent:

To:

'Andrew DeWolf' (dewolfap@hotmail.com)

**From:** Smith, Diana [mailto:Diana.Smith@mrbgroup.com] **Sent:** Wednesday, November 07, 2012 9:58 AM **To:** vanstean@gmail.com; svillag3@rochester.rr.com **Subject:** Keep Standing Tall

Mayor / Terry -

I actually can imagine how you feel this morning. Devastated!

So sorry you have to go through this...

Please know that you've done everything you could - but were up against a tidal wave of misinformation.

Either the taxpayers of Lyons have been set up for very high expectations and falsely believe they can achieve the same savings as Seneca Falls - - OR, they supported the referendum believing that it would just authorize a plan process (without understanding it means actual dissolution). Either way it's tragic to think residents were sold a bill of goods.

Now the even-more-difficult part begins: formulating a realistic and honorable plan. Connie and I have been through this and can speak to the implementation challenges that make a plan feasible (or infeasible!!).

We have some thoughts for you both on that front and would like the opportunity to share them. Let me know when you want to get together.

Keep Standing Tall -

Diana

**Diana Smith**

Director of Business Development

**ALBANY – AUSTIN – CORNING – ROCHESTER**

The Culver Road Armory

145 Culver Road, Suite 160

Rochester, NY 14620

(585) 381-9250 Phone

(585) 381-1008 Fax

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*retransmitted, or used for any purpose except with MRB Group's written authorization. If you are not the intended*

*recipient, please delete all copies and notify us immediately.*

**From:** Smith, Diana [mailto:Diana.Smith@mrbgroup.com] **Sent:** Tuesday, October 30, 2012 3:03 PM

**To:** Denise Darcangelis **Cc:** Sowards, Connie; svillag3@rochester.rr.com **Subject:** Presentation Document

Hi Denise and Karen -

Here is the PDF version of the presentation for posting on the village website. It will be important to post it quickly, especially if the Mayor's letter indicates it is available there for review.

Please confirm with Mayor Kleisle that she still wants it posted. We discussed this at our last meeting, but we always like to verify!

It's been a pleasure to work with both of you during what we're sure has been a difficult time. The village is lucky to have you there. Many thanks for all you do.

Best regards,

Diana

**Diana Smith**

Director of Business Development

**ALBANY – AUSTIN – CORNING – ROCHESTER**

The Culver Road Armory

145 Culver Road, Suite 1600 Rochester, NY 14620

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*recipient, please delete all copies and notify us immediately.*

10:48 AM

To: 'Andrew DeWolf'  
Corrine Kleisle From:

**Corrine Kleisle**

(svillag3@rochester.rr.com) You moved this message to its current location.

Sent:

Tue 3/26/13 10:48 AM

To:

'Andrew DeWolf' (dewolfap@hotmail.com)

All,

Diana and I are thinking of you today and will be tomorrow. If there is anything we can do, let us know. We will be waiting to hear the outcome.

**Connie Sowards**

Project Manager

**ALBANY – AUSTIN – CORNING – ROCHESTER**

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145 Culver Road, Suite 1600

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## **Exhibit O**

<http://www.swcblaw.com/NYCOMletter.pdf>

Ms. Diana M Smith, Mayor of Seneca Falls, 2<sup>nd</sup> Vice President of NYCOM and on executive committee.

### **NYCOM Positions on Dissolution?**

<http://www.watertowndailytimes.com/article/20091122/NEWS05/311229966>

**NYCOM opposes the Government Reorganization Act.**

#### **TAX AND BUDGET SAVINGS**

Mr. Beltramo noted the law doesn't address school districts, counties or cities, which represent 88 percent of the total property taxes paid across the state.

He also said increased efficiency by eliminating one government accounts for only a small amount of the spending and tax savings that come from dissolving a municipality.

"Villages provide different services and different levels of service than towns. They are usually very different from the rural area outside. Usually, you still need people to plow roads, maintain the water and sewer," Mr. Beltramo said. "At best, it will save 5 to 8 percent."

Dissolution savings also come from cutting or restructuring services and eliminating elected officials.

Mr. Beltramo said his research has shown that most of the savings for village residents come from increased revenue from "town outside" residents, and special aid from the state. The state offers an incentive for villages to dissolve, which increases aid to the towns in which they were located up to 15 percent of the tax levy — forever.

"Some people call this a tax shift, and that's what it is," Mr. Beltramo said. "We're in the system we are in, and I don't think a new law is going to make it any easier. If we got rid of the village government, would it really make us all one big happy family?"



## New York State Conference of Mayors and Municipal Officials

119 Washington Avenue, Albany, New York 12210 • Ph (518) 463-1185 • Fx (518) 463-1190  
Toll free number for NYCOM members 1-800-446-9266  
[www.nycom.org](http://www.nycom.org)

April 30, 2010

### Executive Committee

**President**  
Gary A. Vegliante  
Mayor, West Hampton Dunes

**First Vice President**  
Samuel Teresi  
Mayor, Jamestown

**Second Vice President**  
Diana M. Smith  
Mayor, Seneca Falls

**Treasurer**  
Gerald D. Jennings  
Mayor, Albany

**Immediate Past President**  
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Mayor, Cohoes

**Members**  
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Robert C. Corby  
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Richard J. Donovan  
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Howard M. Frawley  
Mayor, Angola

Jack M. Martins  
Mayor, Mineola

James J. Miccio  
Mayor, Fishkill

William D. Nelson  
Mayor, Ogdensburg

Carolyn K. Peterson  
Mayor, Ithaca

Paul V. Pontieri  
Mayor, Patchogue

Ann M. Thane  
Mayor, Amsterdam

**Affiliate Representative**  
Harold Porr III  
NYS City/County  
Management Association

**Past Presidents: Ex-Officio**  
Ellen Polimeni  
Mayor, Canandaigua

Shawn D. Hogan  
Mayor, Hornell

**Executive Director**  
Peter A. Baynes

Ralph Suozzi  
Mayor  
City of Glen Cove  
City Hall  
9 Glen Street  
Glen Cove, NY 11545

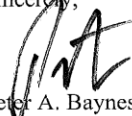
Dear Mayor Suozzi:

I am pleased to inform you that your "City of Glen Cove Visual Simulation Legislation" project has been awarded First Place in the Public Management and Administration Category in the 23rd Annual *NYCOM/Empire State Report Local Government Achievement Awards* competition.

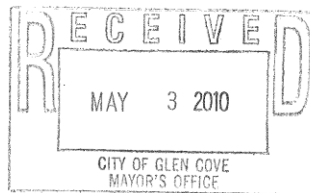
The Award will be presented at NYCOM's 101st Annual Meeting at the **Saratoga Hilton during dinner at 7:00 p.m. on Sunday, May 16th**. Your project will also be featured in the Summer Edition of *Empire State Report* magazine and the July-August issue of NYCOM's *Municipal Bulletin*. In addition, you will receive a letter of recognition from the National League of Cities and a description of your project will be added to the Best Practices section of the NYCOM website.

Congratulations upon your selection and I hope to see you at the Annual Meeting.

Sincerely,

  
Peter A. Baynes  
Executive Director

PAB:cos



## Exhibit P

### MRB Consultant Previous Media Statements against dissolution

<http://www.watertowndailytimes.com/article/20111006/NEWS05/710069867/>

---

## Dissolution is complicated, unpredictable event, Seneca Falls leaders warn

By MATTHEW BULTMAN  
JOHNSON NEWSPAPERS

THURSDAY, OCTOBER 6, 2011

POTSDAM — Dissolution was again the topic of discussion Tuesday night in the village, but this time it featured speakers with fresh perspective on the issue.

Three leaders from the village of Seneca Falls — the mayor, village administrator and attorney — presented their thoughts on the issue of dissolution during their presentation titled “Dissolution: The Seneca Falls Experience.”

Their message: Dissolution has been a long, drawn-out process, with many more obstacles than anyone could have anticipated.

In March 2010, the village of Seneca Falls voted to dissolve, becoming the largest village in the state to do so. Armed with a dissolution plan and a promise of significant tax breaks, village voters narrowly passed the resolution.

While the Seneca Falls representatives did not give their opinion on the situation in Potsdam, they did give a detailed outline of what they believe to be the problems with dissolution and the pitfalls of the plan.

They spoke of failed labor negotiations as village employees try to transition to the town, the town’s hesitancy to work with the village and follow the dissolution plan as well as the difficulty of trying to establish tax districts to pay off debts in the former village.

All in all, they concluded, dissolution was an issue of which no committee could anticipate all the outcomes and effects, no matter how diligently it tried.

“What we’re finding is that there are a lot of things that have not been considered prior to the vote in our community,” Ms. Smith said. “Of course, hindsight is always 20/20, but now we wonder, had the community known all they know now, would they have felt the same way?”

In its dissolution plan, the Seneca Falls dissolution committee projected a 48 percent tax savings for former village property owners, a number Ms. Smith said drove many village residents to vote in favor of the plan.

But in reality, it wasn’t a savings so much as cost-shifting, she said, as much of the burden went from village taxpayers to those in the town.

“Many hands make light work,” the mayor said. “You shift the burden onto more people and it becomes less of a burden.”

The additional savings, which the town now estimates could rise to as much as 60 percent for village residents, were accounted for in the town’s decision to eliminate a number of village positions, many of which village administrators believed were necessary to their daily operations.

“We knew that we were operating on a very lean staff already and had pared back as much as we could,” Ms. Smith said.

Both Ms. Smith and Village Administrator Constance Sowards agreed that drafting memorandums of understanding, an agreement with the town outlining how certain issues, such as police protection, would be handled, would have made the transition process much smoother.

But Potsdam Town Supervisor Marie C. Regan has said she and the Town Council are in no position to guarantee residents anything about the future of the town should dissolution pass.

She reiterated those statements Tuesday night.

“How presumptuous would it be for this board to tell you precisely what police protection would look like?” she said. “How it will look, I don’t know yet. Everyone will have to have input.”

In the end, Seneca Falls village attorney Paul W. Reichel said voters in the village of Seneca Falls may just be beginning to realize the impact of their decision.

“It took a very long time for people to realize this is really going to happen,” he said. “Now it has sunk in, and I’m not at village hall every day, but I would say morale is quite low.”

[http://centralny.ynn.com/content/top\\_stories/568584/largest-n-y-village-ever-to-dissolve--nears-completion/](http://centralny.ynn.com/content/top_stories/568584/largest-n-y-village-ever-to-dissolve--nears-completion/)

SENECA COUNTY, N.Y. -- At the end of this year, four more villages will be added to that list. Three in Cattaraugus County, and one is Seneca.

Seneca Falls will once again make history as the largest village, by several thousand people, to go through the dissolution process.

Diana Smith was the first female mayor of the village where the Women's Rights Movement was born. At the stroke of midnight on January 1st, she'll be the village's last.

"It's an honor I'd hoped I'd never get," Smith said.

In March 2010, village residents voted by a margin of 86 votes to dissolve their government. Mayor Smith called the promised 48 percent tax savings an "incredible enticement."

After 20 months of working to transition services to the town, she believes it is unrealistic.

"The savings that were touted as part of this plan really won't be realized," said Smith. She said the numbers speak for themselves.

Seventy-three percent of the town's residents live in the village. Ninety percent of the municipality's infrastructure that will need to be maintained, is located there as well.

Smith said even the annual two point five to three million dollars in revenue that Seneca Meadows Landfill pays directly to the town, won't cover the expenses the town will need to pick up when dissolution is complete.

"Unfortunately the landfill revenue doesn't cover it all, and that's why for people who live outside the village, they will see their taxes go up considerably," Smith said.

Smith described Seneca Falls Town residents as the, "victims" of dissolution.

She said neither the residents, nor the county had a vote in the state sanctioned process.

According to Smith, and Village Administrator Connie Sowards, the state did not have answers to crucial dissolution questions, either.

"Unemployment insurance for instance, we called the Department of Labor and asked, 'Who's going to pay the unemployment insurance?' And the immediate answer was, 'Well you are,' and we had to explain, there is no us after the 1st of January," Smith said.

"It's just been incredible how many things will just pop up and everyone will say, 'Wow,' we didn't even think of that," said Sowards.

"As we move forward, different challenges will present themselves, and we'll meet those," said Seneca Falls Town Supervisor-elect Donald Earle.

Town Supervisor will be the first elected government position Earle will serve in when he is sworn in December 31st.

Earle said he's been meeting with people involved in the dissolution process, daily.

When YNN asked Earle if he was for or against dissolution, he said, "Originally I was for dissolution. Looking back at things, if things might have been done differently, as far as getting together with shared services, it may not have been necessary, but moving ahead, it is a good thing, because we are one now. It's no more, we and them, us and them, and that's the way we're going to thrive."

As a unified town of more than 9,000 residents, Earle believes Seneca Falls will have a greater voice and better representation at the county and state levels than ever before.

"I really don't feel that we're losing anything in this community. We still have our heritage. We're very fortunate because the name of the village is the same as the town. When people come to this community, they're here in Seneca Falls," said Earle.

"I think it'll be fine, but it is emotional," Sowards said.

Mayor Smith said she does plan to attend the village's annual New Year's Eve ball drop at a local restaurant.



"It's an important community tradition, and I hope people participate. And this year, it's going to be especially symbolic," Mayor Smith said.

[http://www.fltimes.com/news/article\\_2c837871-f9ad-5b5f-8375-6c1bf59c5be2.html](http://www.fltimes.com/news/article_2c837871-f9ad-5b5f-8375-6c1bf59c5be2.html)

# Seneca Falls 'yes' vote holds

Margin narrowed to 86, but village dissolution will move forward

Posted: Wednesday, March 24, 2010 12:00 am

[Seneca Falls 'yes' vote holds](#) by DAVID L. SHAW/dshaw@fltimes.com | 0 comments

SENECA FALLS — The final margin — 86 votes — has been established, and the 180-year-old village government here will officially dissolve Dec. 31, 2011.

The final, official tally is 1,198 to 1,112.

The Seneca County Board of Elections Tuesday counted the absentees and affidavit ballots. That count added 56 votes for dissolution and 75 votes against. On election night March 16, the margin was 105 votes.

Under dissolution, the town will take over the services now offered by the village.

Town Supervisor Peter Same said the Town Board expects to devote much of its April 6 meeting to dissolution issues.

"We have already made agreements on what services we will take over from the village. We'll make sure that's still the case. I have no reason to think it won't be," Same said. "We will talk about how we will transition those services over to the town."

Same said the board may seek help from the community in the transition process.

In another step, the town will go to the Village Board and ask that it join the town in requesting state legislation to create a police protection district for the current village.

That may be difficult. The Village Board has not been supportive of the police district because it would put the entire cost on current village residents, negating much of the savings from dissolution.

The Village Board prefers a townwide police department using the current village police force.

"I would hope they would join us," Same said. "If so, we will go to our state representatives and ask them to introduce and support this legislation. If the village says no, we're still committed to seeking the legislation, even though it may be harder without the village's support."

He said he's not sure what state Sen. Michael Nozzolio, R-54 of Fayette, or Assemblyman Brian Kolb, R-129 of Canandaigua, would do if only one board approves of the special district.

"We will have to sit down and talk to village officials about services, sooner rather than later," Same said.

He said they will discuss taking over a service before official dissolution to "see how it works."

**Mayor Diana Smith, an opponent of dissolution**, said the Town Board will be invited to a joint meeting with village officials, possibly as soon as Tuesday night.

"We feel it's important to get the transition process going immediately," Smith said.

She acknowledged the police issue may be difficult. The village is not likely to support the state legislation favored by the town to create a special police district for the village.

"It may be up to the town to pursue that on its own. But the traditional home rule process may be different in this case because the village will cease to exist," Smith said.

She said Same and town officials face a dilemma of making town residents outside the village unhappy by having a townwide police department or angering current village residents with a special police district.

"I still have concerns about service levels with the proposed staff cuts," Smith said. "We have cut five positions in six years and are at a barebones level and the town wants to cut a few more."

Smith said the dissolution vote has been "traumatic" for some village employees concerned about their future.

The final vote for Fourth Ward trustee shows David Delelys with 403 votes and incumbent Timothy Masino with 325.